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No. 150

## House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

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### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
December 7, 2000.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

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### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:  
Lord God, we trust You will resolve our uncertainties and bring about true healing.

We know You can recreate greatness in this Nation and raise up leaders in our day who will guide us with courage and wisdom. Through the prophet Isaiah You have told us You are our redeemer. Breathe the breath of lasting freedom in Your people. Make us confident that You will lead us now and forever. Amen.

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### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

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### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. McNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. McNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

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### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3514. An act to amend the Public Health Service Act to provide for a system for sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

H.R. 4281. An act to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new or revised scientifically valid toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

H.R. 4827. An act to amend title 18, United States Code, to prevent the entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport, to prevent the misuse of genuine and counterfeit police badges by those seeking to commit a crime, and for other purposes.

H.R. 5640. An act to expand homeownership in the United States, and for other purposes.

The message also announced that the Senate has passed with amendments bills of the House of the following titles:

H.R. 4493. An act to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors.

H.R. 4640. An act to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes.

H.R. 5630. An act to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United

States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The message also announced that the Senate recedes from its amendments numbered 2 and 4 to the bill (H.R. 3048) "An Act to amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes"; and agrees to the amendment of the House to the amendment of the Senate numbered 5 to the above-entitled bill.

The message also announced that pursuant to Public Law 96-114, as amended, the Chair, on behalf of the Majority Leader, announces the appointment of the following individuals to the Congressional Award Board—Galen J. Reser, of Connecticut; and Rex B. Wackerle, of Virginia.

The message also announced that pursuant to Public Law 105-341, the Chair, on behalf of the Democratic Leader, announces the appointment of the following individual to the Women's Progress Commemoration Commission: Ann F. Lewis, of Maryland, vice Joan Doran Hedrick, of Connecticut.

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### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that 1-minute speeches will be postponed until the end of the day.

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### FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the order of the House of December 6, 2000, I call up the joint resolution (H.J. Res. 127) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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H12023

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 127 is as follows:

H.J. RES. 127

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106-275, is further amended by striking the date specified in section 106(c) and inserting "December 8, 2000".*

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, December 6, 2000, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 127, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Joint Resolution 127 is one more continuing resolution that is required, inasmuch as several of the appropriations bills have not been concluded. I might say that these bills basically are awaiting conclusion not because of appropriations issues but because of extraneous issues that in my opinion do not even belong in an appropriations bill. But nevertheless, these issues are there, and they are causing some controversy.

So I would point out to our colleagues, Mr. Speaker, that we have set a record. This is the largest number of continuing resolutions that any Congress to my knowledge has ever considered. It is not the longest number of days covered by CRs, but this one is No. 18.

The reason that we have had to present so many continuing resolutions is because we cannot get agreement to go beyond 1 day at a time, in most of the cases, so we are here with a one-day CR. Tomorrow, we will have to do another CR. Saturday, we may have to do another one-day CR, unless the negotiations that are taking place at the White House as we speak with the President produce some concrete decisions.

If that is the case, then we will be able to present to the Members a final package of appropriations measures by the middle of next week. But at this point, Mr. Speaker, it remains to be seen what comes from the White House meeting between our leaders, the bicameral and bipartisan leadership, and the President of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, this is indeed Groundhog Day over and over and

over and over again. As I think most Members understand, we were supposed to have our budget work done by October 1. It is not rare that we do not. That has often happened in the history of the House under both parties.

What is rare is this difference. In the past, in the main, continuing resolutions which keep the government open after the expiration of the previous fiscal year are passed for the purpose of giving the leadership of both parties and those involved in negotiations an opportunity to have more time to complete their work by resolving their differences.

Instead, I am forced to conclude that continuing resolutions in this situation are being used as a tool to shield this institution from doing its work resolving our differences and completing the work needed on the budget for not the coming year but the year that we have been in since October 1.

Continuing resolutions are supposed to be used to buy time to find compromises. Yet, we see gross evidence that in fact there are other plans afoot. I do not care if we take a look at the Washington Post today or if we take a look at the Wall Street Journal or if we take a look at the New York Times or if we take a look at the AP report, which I have seen today, we see that the distinguished whip on the majority side of the aisle, the gentleman from Texas (Mr. DELAY), is in essence counseling that what the majority party ought to do is to push the President into a position where he is forced to choose between shutting down government agencies and accepting what he describes as Republican priorities, including a very large scale-back of education funding which was in the budget agreement which was negotiated and agreed to before the elections but was never brought to the floor by the leadership of the House.

I deeply believe that there are the votes to pass that proposal if it can ever reach the floor of the House, but permission to bring it to the floor of the House is being withheld.

We are being told that what must happen in order for us to complete our work is that many billions of dollars in education funding which were agreed to in that conference report should now be stripped out of that bill as a price for its passage. Until that happens, we are being asked to pass a series of continuing resolutions a day at a time or two days at a time that slowly click the clock down to the point where there is no time left to do anything to provide this funding for this year. That is why we are now on the 18th continuing resolution since October 1.

I would ask those who are urging that the education funding be cut back in the bill that we negotiated, I would ask whether they really do believe that we ought to back away from what I regarded as one of the best achievements of this Congress, a negotiated agreement that provided a 22 percent increase in support for education over the previous year.

If Members do not like those increases, I would ask, which ones do they want to cut back? Do they want to see the class size reduction program cut back, so we can slack off on our effort to reduce the size of classes?

Do they want to reduce the after-school learning programs that we are trying to ramp up so that children from families with two parents working outside the household can spend the after-school hours in a meaningful learning experience with adult supervision, rather than either roaming the streets or going home to an empty house?

Would they prefer that we eliminate some of the funding for the Title I program under which 900,000 disadvantaged students are supposed to receive extra help in reading and math, for instance?

Would they propose that we scale back the hard-won increase of \$500 per child in the Pell grant program in the maximum grant?

Would they propose that we scale back the work study program?

Which of these education programs is it in the national interest to scale back on from the amounts that were negotiated on a bipartisan level between both houses of the Congress and the administration?

Should we scale back on the efforts to improve the quality of teacher instruction in some 15,000 school districts in this country?

Do we really want to have physical education teachers continuing to teach math and English teachers continuing to teach science? I do not think so. Do we really want to scale back on the effort to help huge, humongous-sized high schools redesign themselves into smaller, more intimate learning centers? I do not think we want to do that.

It seems to me that we have a majority in both parties that would support that agreement if it could be brought to the floor. I would urge the leadership of the House to allow that agreement to come to the floor. It was negotiated in good faith, and that apparently is what is preventing us from completing our appropriations work.

I cannot address the other non-appropriation items that are still at issue in this Congress, but I really believe that if the committee were allowed to do so, we could reach a reasonable compromise on the immigration issue in a very short period of time, and I think that we could produce a majority of votes for an agreed-upon compromise on education funding.

But if we are to be confronted by ultimatums such as that suggested by the distinguished minority whip, suggesting that the President should be backed into a corner where he has to accept what the gentleman from Texas (Mr. DELAY) defines as Republican priorities or else see a shut-down of an agency's ability to perform, then I think we are in a most destructive atmosphere.

I find it ironic that the majority party campaigned and their standard-bearer campaigned on the theme that they would pursue a course of bipartisanship, and yet the very first act they are asking us to engage in is to back out of a bipartisan agreement that was negotiated shortly before the election but never brought to the floor for a vote.

I would urge that that approach be reconsidered. I, for one, have supported all of these continuing resolutions in the hope that they would give us more time to resolve differences.

□ 1415

Mr. Speaker, but when they are simply provided as a tool by which those differences are shielded from being resolved, then I see no purpose in voting for further continuing resolutions.

Mr. Speaker, I will vote for this one, but I see no reason to vote for any continuing resolution beyond tomorrow, because we ought to be able to wrap this up in a day or a day and a half.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to advise the gentleman from Wisconsin (Mr. OBEY) that I will have two speakers for brief periods of time. After that, then the gentleman may wish to respond; and then I will have a closing statement and that will be the extent of our debate for today.

Mr. Speaker, I would suggest to the gentleman that if, in fact, the President of the United States would be agreeable to a compromise package that will be presented to him today, the gentleman from Wisconsin is correct, we can finish this in a day and a half. But that has not been too easy to get that agreement.

As a matter of fact, on July 27 of this year, we concluded the conference on the Labor, HHS appropriations bill, and then October 29, we finally came to an agreement on a bipartisan fashion in a sort of a conference agreement, but the next morning, that agreement fell apart not because of something that had to do with appropriations, but something that was not related to appropriations. And that is one of the problems that we are facing.

Mr. Speaker, that is one of the problems that we have been faced with on appropriations bills through this whole season. The appropriations part of the process was the easy part of the job. Where we found great difficulty was on those riders that were attached to appropriations bills.

Why is that the case? Because appropriations bills, Mr. Speaker, have to pass. Congress has to pass appropriations bills. Members, whether they are rank and file Members or whether they are leadership Members, see a vehicle out here that has to pass. And since a regular authorizing vehicle might not be available, they say hey, here is a good chance to do what I want to do on

the appropriations bill that has to pass.

Those are the kind of controversies that have caused us time problems. And I say again, the appropriations part of these bills have not created most of the controversies that we have experienced.

Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I may ask a question of the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, but there are those of us who are rank and file Republicans who frankly were somewhat alarmed by what we saw in the newspapers of the statement by the distinguished majority whip that we should have a 1-year continuing resolution. Agreeing with what I think the gentleman from Wisconsin (Mr. OBEY) has said and what the gentleman from Florida (Mr. YOUNG) has said, it is the judgment of a lot of us that this has been worked on very hard by both parties, a lot of good input has gone into it, a lot of progress has been made. We are pretty close to the end.

These various programs would be good for this country, and we should try to do it as rapidly as possible. Let me point out, we are, I think, 2 months and a week beyond the beginning of the fiscal year for which this should have been done. I think personally it should be done by this particular Congress and this particular President and not by the next President and the next Congress.

I would glean from the comments of the gentleman from Florida (Mr. YOUNG) that the gentleman is in agreement with this and that is the direction which the gentleman continues to go, in spite of what I read of the statements of the majority whip.

I assume that the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, is still in that position, and just the comforts to us who feel this is what we are waiting for and that we are having continuing resolutions for and we have been waiting for, I would like to get the gentleman's view of that.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I would say that the gentleman is exactly correct. I agree with the statement that he made. I believe that the 106th Congress should complete the business of the 106th Congress.

I think it will be a tragic mistake to try to run this continuing resolution until the end of the fiscal year. I would strongly object to that, and I certainly cannot speak for the gentleman from Illinois (Mr. HASTERT), the Speaker of the House. That gentleman will speak for himself. And as far as the majority whip, I might tell you that he enjoys the same frustrations that we all experience, but the gentleman is trying to

find a way to get things moving, just like all of us are.

Why he said what he said certainly is in his own mind, but I can tell the gentleman that his motives are to get this work concluded. And if he uses the tactic to get our attention, that may be what he is doing. I am not sure, but I know that he wants this job concluded.

Mr. Speaker, I have to say that regardless of all of that, I agree. It is our responsibility to conclude the business of the 106th Congress, and we must do it as expeditiously as possible. But I must remind everyone that we are not only dealing with ourselves here in the House, Republicans and Democrats. We are also dealing with the United States Senate, Republicans and Democrats. We are also dealing with someone with a very big stick, a veto pen, who resides at 1600 Pennsylvania Avenue.

It is not easy to bring these very divergent groups together, but that is what we are trying to do. And I agree with the gentleman from Wisconsin (Mr. OBEY), one day CRs, in my opinion, are ridiculous.

We ought not be wasting the time of the Congress doing that. We should be using the time to conclude our business, but I am definitely opposed to a year-long continuing resolution.

Mr. CASTLE. Mr. Speaker, the comments of the gentleman give me comfort, and I thank the gentleman a great deal.

Mr. YOUNG of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I have not been in negotiations in the White House. I am not a Member of the Republican leadership, but I am a concerned citizen, and I also am a Member of a bipartisan group which met with the gentleman from Indiana (Mr. ROEMER) yesterday and Members from both sides to try to find a way to bring our two parties together.

We have gone over and over the issues. We have gone over and over the dollar amounts. We have had things on the table and off the table and back on the table, and it just seems to me that we do a job in the amount of time we allow ourselves to do it in, and we are about at that point.

Mr. Speaker, I would like to ask the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, because I think he has done an extraordinary job, are the issues such that we can, within a reasonable period of time, I say 24, 48 hours, solve these things and vote on them?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. HOUGHTON. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, the issues are serious, and the issues are dealing with numbers that are very high in one area to some members, very low with another group of Members, also with the President, but some of the issues as I mentioned are not even related to appropriations.

The gentleman will recall we had the argument over the ergonomics issue, and then we had quite an argument over the question of granting blanket amnesty to those who are here in the United States illegally.

Those are two big issues that are not appropriations issues, but are being considered using the appropriations bill as a vehicle for their enactment. So things like that are causing us problems.

Can we get together? I do not see why we cannot get together. What needs to happen is everybody needs to realize that no one is going to get their way exactly the way they wanted it.

I am chairman of the Committee on Appropriations, but I cannot get my way all the time, and chairmen of our subcommittees cannot get their way all the time, but what we all have to recognize is there has to be a consensus.

We are almost evenly divided in this House and in the other body, so it is time to recognize each side has to give a little. If you want to get something, you have to give something, and that is what it is going to take to conclude our business.

Mr. HOUGHTON. Mr. Speaker, I thank the gentleman for his comments.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, I thank my friend, the gentleman from Wisconsin (Mr. OBEY) for yielding me the time.

Mr. Speaker, I want to associate myself with the, I think, thoughtful and bipartisan comments made by the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, my good friends in a new bipartisan coalition that we have recently formed, the gentleman from New York (Mr. HOUGHTON), the gentleman from Delaware (Mr. CASTLE), and certainly with I think the wise remarks of the gentleman from Wisconsin (Mr. OBEY) that he made to start this debate.

It seems to me that we have two questions here: A question of process and a question of bipartisanship.

On the question of process, the American people have hired us in the 106th Congress to do a job and to finish a job and to not shirk, to not neglect, to not ignore those responsibilities for either reasons of politics and Presidential elections or reasons of convenience and push off those decisions to the 107th Congress.

We have been paid to make those decisions. We should make those decisions in this 106th Congress.

Mr. Speaker, the second question that I think is important is a question of bipartisanship. Do we have one individual, a Speaker or a President, that can stand up and say either stand down and I want it my way 100 percent or shut down the government? That is not

the way this process and this body works. Nobody is going to get exactly what they want nor should they.

A number of bipartisan Members of this body, Democrats and Republicans, have signed on to a letter stating that "we urge you to ensure that the FY2001 budget is finalized and approved before the 106th Congress adjourns. We strongly believe that the passage of a continuing resolution in the next year would only serve to provide this Congress with an excuse to shirk its duty to the American people." That is signed by the gentleman from New York (Mr. HOUGHTON), the gentleman from Delaware (Mr. CASTLE), the gentleman from Michigan (Mr. UPTON), the gentleman from Wisconsin (Mr. KIND), the gentleman from Tennessee (Mr. FORD), the gentleman from Florida (Mr. DAVIS), the gentleman from Pennsylvania (Mr. GREENWOOD).

We want to see this process work. If we can make this final process on two of the most important bills that the gentleman from Illinois (Mr. PORTER) and the gentleman from Wisconsin (Mr. OBEY) have worked in a bipartisan way, if we can make this work in a bipartisan way, we can then have a steppingstone to the 107th Congress to begin the needed and necessary and vital bipartisan work that we are going to require to get the people's business done.

Mr. Speaker, I would hope that we would sit back down together in a Democratic and Republican way and finish the job of the 106th Congress on education and health issues.

Mr. Speaker, I include for the RECORD, the following letter:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, December 6, 2000.

Hon. J. DENNIS HASTERT,  
Speaker, House of Representatives,  
Washington, DC.

Hon. RICHARD A. GEPHARDT,  
Minority Leader, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER AND MR. LEADER: We applaud your recent efforts at the highest levels of our congressional leadership to reach across the aisle and renew a meaningful dialog. As you know, our group of rank-and-file Republicans and Democrats is also dedicated to finding practical, bipartisan solutions to the issues facing the Congress.

Accordingly, we urge you to insure the FY 2001 budget is finalized and approved before the 106th Congress adjourns. We strongly believe that the passage of a continuing resolution into next year would serve only to provide this Congress with an excuse to shirk its duty to the American people.

Today we offer the support and encouragement of our membership in whatever ways might be helpful in realizing this important goal. We look forward to working with you on a common agenda in the 107th Congress.

Sincerely,

TIM ROEMER.  
MIKE CASTLE.  
HAROLD E. FORD, Jr.  
RON KIND.  
AMO HOUGHTON.  
JIM DAVIS.  
JAMES C. GREENWOOD.  
FRED UPTON.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Speaker, I thank my friend, the gentleman from Wisconsin (Mr. OBEY) for yielding the time to me and I thank all of my colleagues.

As I listen to the gentleman from New York (Mr. HOUGHTON), as I have listened to the gentleman from Florida (Chairman YOUNG), I would hope that we can deal with what some of the realities are here.

There is going to be a closing statement where some of these matters will be discussed, but we cannot reach a compromise nor can we advance government if leaders on both sides are not willing to work together, nor can the other side expect this side to believe we can reach an agreement if top leaders on your side can scuttle a deal if they go back to their office and learn they were not consulted, or learn that they were not part of a meeting and suggest to Americans, suggest to this Congress that they have no problems with shutting down this government.

Mr. Speaker, it seems fitting that the majority whip's name is DELAY, because that is what is happening here. And I have great respect for the gentleman from Texas (Mr. DELAY). And I certainly do not mean to cast aspersions on his person or on him. But we have to deal with this reality.

I say to my friends on the other side, if you can bring the gentleman from Texas (Mr. DELAY) to the table to agree to work to compromise and to reach some agreement, not for Republicans or Democrats, but for the people, then we can all go home.

We are willing to deal. The President is willing to deal. From the newspaper accounts, Mr. LOTT is willing to deal. The gentleman from Illinois (Mr. HASTERT) is willing to deal. The gentleman from Texas (Mr. ARMEY) is willing to work to try to find agreement, but if the gentleman from Texas (Mr. DELAY) is going to make all of these decisions, then perhaps he ought to be the only one in the room when an agreement is trying to be reached.

Mr. Speaker, I say to all of my friends on the other side, I am proud to be a part of any organization that seeks to move government forward. I say to all of my friends, bring the gentleman from Texas (Mr. DELAY) to the table, let him lay out what it is exactly he wants, other than blaming Mr. Clinton for shutting down the government and, perhaps, we can start from there, move from there, and conclude from that point.

Mr. YOUNG of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, to recapitulate, there are a number of appropriation bills which still have not passed, but a number of them primarily because they just got caught up in accidents that started out to happen to somebody else, and we can fix those in about 5 minutes. No problem with those.

There are only two real problems left. One is to find some reasonable language compromise on the immigration question, which the gentleman from Florida (Mr. YOUNG) points out correctly, is not an appropriations issue. The second is to deal with the Labor, Health and Education appropriation conference report.

□ 1430

I would remind Members that, when that bill came back from conference, there were objections raised on both sides of the aisle to one language provision in that bill, namely, the language provision that related to ergonomics. I was highly unsatisfied with the results, from my perspective. A number of Members on that side of the aisle were highly unsatisfied with the results from their perspective.

But with that exception, I do not recall a single stated objection to any of the dollar agreements in the bill. I do not recall any arguments about any of the appropriation decisions on funding levels. To me, education ought to be the top priority of both parties.

I had said consistently in this debate that, if one looks at the history of how different programs were increased as they moved through the process of the education area, that there were some areas such as special education which were Republican priorities. There were other areas that were Democratic priorities.

It seems to me, given the realities of the changes in the economic circumstances that we have seen with these larger surpluses available, that the one area that deserves top priority for funding is education; and that if we truly are going to deal in a bipartisan manner, there ought to be room for the education priorities of both parties within the same bill.

I think that is the kind of bill that was put together with the help of the gentleman from Illinois (Mr. PORTER) and the gentleman from Florida (Mr. YOUNG) in that conference report. I would still renew my request to the House leadership to allow that bill to come to the floor. I am confident that if they did, there would be enough votes on both sides of the aisle to pass it in a truly bipartisan fashion, and we could, at least so far as appropriation items are concerned, conclude our business on an honorable note.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I, again, agree with what the gentleman from Wisconsin (Mr. OBEY) said about the appropriations items. I want to assure the gentleman from Wisconsin (Mr. OBEY) and all of the Members that, in the final package, the latest package that we have provided to the leadership, education is still a high priority for the dollars that would be appropriated. Medical research through NIH, again, is a very high priority. The dollars are

larger than last year and larger than the President's request. But we understand the importance of these, and we want to get these items concluded.

We do not want to continue on a continuing resolution because that does not provide the additional investment that we need in medical research, that we need in education, and that we need in the other people's programs. But we do have to come to an agreement with people who are very far apart as we speak today.

Of all of the many issues that are out there, most of them are related one to another. There are one or two keys. If those two keys can come together, everything else falls into place. So I am optimistic, and I try to be optimistic all the time. I am optimistic today.

The gentleman from Wisconsin (Mr. OBEY), my friend, said that this is like Groundhog Day over again. Most people think that Groundhog Day is that day in February where Punxsutawney Phil comes out of his little cave, and if he sees his shadow, winter is going to last for a certain period of time. If he does not see his shadow, it will last for another period of time.

But what the gentleman from Wisconsin (Mr. OBEY) was referring to when he said this is like Groundhog Day all over again is a movie named "Groundhog Day." It had to do with a weather forecaster from a Pittsburgh, Pennsylvania, television station who was in Punxsutawney to cover the emerging Punxsutawney Phil, the groundhog.

Through some fluke, he got into a situation where he repeated every day. Day after day after day, he repeated the same day. I agree with the gentleman from Wisconsin (Mr. OBEY) that it sort of seems like Groundhog Day here when we are doing continuing resolutions day after day after day.

I do not know how long this went on, but for this newscaster, it went on a long time. But he learned so much about so many things in that period of time. The way the "Groundhog Day" was concluded and the day and the way that he got back into a cycle was he fell in love with the producer of his program who he was very hostile with in the beginning.

So if he and that producer could fall in love and end this cycle of continuous Groundhog Days day after day after day, the gentleman from Wisconsin (Mr. OBEY) and I can love each other. We can all love each other. The Congress can love the President. We can have our differences. But if we could just show a little love and compassion here and some understanding, we can conclude this business and finish the work of the 106th Congress.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Florida. I am happy to yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would simply like to note that I have heard a number of Members come up to me and say about this impasse, this cannot go

on. I remember Herb Stein, who was the head of the council on economic advisors to President Nixon. I remember Herb Stein saying once in testimony before the Joint Economic Committee, "People say this cannot go on." He said, "My experience is, if something cannot go on, it stops." I would hope that this incessant number of continuing resolutions would stop and that the sparring would stop, and tomorrow we can bring a bill to the floor reflecting the bipartisan negotiations which we have already agreed upon and pass it and end this session.

Mr. YOUNG of Florida. Well, Mr. Speaker, I would say that I hope that happens. It could happen. A lot of it is going to depend on what comes out of the meeting that is taking place at the White House as we speak.

Mr. Speaker, today, some time after the election on November 7, the Nation is pretty much divided right down the middle. In the House, the political differences are almost 50/50. In the Senate, they are 50/50. In the country on popular vote for President, 50/50. The Nation is politically pretty much divided.

But I want to remind my colleagues that this is America. This is the United States of America. There is something special about that. Remember, 59 years ago today, Pearl Harbor was attacked. The Nation did not have any real direction. We were an emerging industrial Nation. But, then Pearl Harbor was attacked. Americans came together with such a powerful statement, such a profound statement, and put together one of the most fantastic military capabilities in the world eventually.

It took a while, but we came together. We overcame all kinds of differences, different opinions, different challenges, different industrial challenges, different political challenges. We came together as a strong and powerful Nation. Ever since that day, we have been an outstanding example for the rest of the world of freedom, of justice, of the ability to work together in the best interest of the people of the United States and for those in the world that we are called upon to help.

If that could happen in America, it can happen here in this Congress. If we all settle down and recognize we have got to come together, we do not necessarily have the opportunity to go our own individual ways, but we have got to come together, if we do that, we will come together, and we will conclude the business of the 106th Congress and get ready for the 107th Congress, which is going to begin in just a few short days.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. THORNBERRY). All time for debate has expired.

The joint resolution is considered as having been read for amendment.

Pursuant to the order of the House of Wednesday, December 6, 2000, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 359, nays 11, not voting 62, as follows:

[Roll No. 601]

YEAS—359

Abercrombie	Crowley	Hefley
Aderholt	Cubin	Heger
Allen	Cummings	Hill (IN)
Andrews	Cunningham	Hilleary
Baca	Davis (FL)	Hilliard
Bachus	Davis (VA)	Hinchey
Baker	Deal	Hinojosa
Baldacci	DeGette	Hobson
Baldwin	Delahunt	Hoefel
Ballenger	DeLauro	Hoekstra
Barcia	DeLay	Holden
Barrett (NE)	DeMint	Holt
Barrett (WI)	Deutsch	Hooley
Bartlett	Dicks	Horn
Bass	Doggett	Hostettler
Becerra	Dooley	Houghton
Bentsen	Doolittle	Hoyer
Bereuter	Doyle	Hulshof
Berkley	Dreier	Hunter
Berman	Duncan	Hyde
Berry	Dunn	Insee
Biggert	Edwards	Isakson
Bilirakis	Ehlers	Jackson (IL)
Bishop	Ehrlich	Jackson-Lee
Bliley	Engel	(TX)
Blumenauer	English	Jefferson
Blunt	Eshoo	Jenkins
Boehler	Etheridge	John
Boehner	Evans	Johnson (CT)
Bonilla	Everett	Johnson, E.B.
Borski	Ewing	Johnson, Sam
Boswell	Farr	Jones (NC)
Boyd	Fattah	Jones (OH)
Brady (PA)	Fletcher	Kanjorski
Brady (TX)	Foley	Kaptur
Brown (FL)	Forbes	Kelly
Brown (OH)	Ford	Kennedy
Burr	Fowler	Kildee
Burton	Frank (MA)	Kilpatrick
Buyer	Franks (NJ)	Klecza
Callahan	Frelinghuysen	Klink
Calvert	Frost	Knollenberg
Camp	Ganske	Kolbe
Campbell	Gejdenson	Kucinich
Canady	Gekas	Kuykendall
Cannon	Gephardt	LaFalce
Capps	Gibbons	LaHood
Cardin	Gilchrest	Lampson
Carson	Gilman	Larson
Castle	Gonzalez	Latham
Chabot	Goode	Lazio
Chambliss	Goodlatte	Leach
Clayton	Goodling	Lee
Clement	Gordon	Levin
Clyburn	Goss	Lewis (CA)
Coble	Green (WI)	Lewis (GA)
Collins	Greenwood	Lewis (KY)
Combest	Gutierrez	Linder
Condit	Gutknecht	LoBiondo
Conyers	Hall (OH)	Lofgren
Cook	Hall (TX)	Lowe
Cooksey	Hansen	Lucas (KY)
Cox	Hastings (FL)	Lucas (OK)
Coyne	Hastings (WA)	Luther
Cramer	Hayes	Maloney (CT)
Crane	Hayworth	Maloney (NY)

Manzullo	Phelps	Smith (WA)
Markey	Pickering	Snyder
Mascara	Pitts	Souder
Matsui	Pombo	Spence
McCarthy (MO)	Pomeroy	Spratt
McCollum	Porter	Stabenow
McDermott	Portman	Stearns
McGovern	Pryce (OH)	Stenholm
McHugh	Quinn	Strickland
McInnis	Radanovich	Stump
McIntosh	Rahall	Sununu
McIntyre	Ramstad	Sweeney
McKeon	Rangel	Tancredo
McKinney	Regula	Tanner
McNulty	Reyes	Tauscher
Meehan	Reynolds	Tauzin
Meek (FL)	Riley	Taylor (MS)
Meeks (NY)	Rivers	Terry
Menendez	Rodriguez	Thomas
Metcalf	Roemer	Thompson (CA)
Mica	Rogers	Thornberry
Millender-	Rohrabacher	Thune
McDonald	Rothman	Thurman
Minge	Roukema	Tiahrt
Mink	Roybal-Allard	Tierney
Moakley	Royce	Toomey
Mollohan	Ryun (KS)	Trafigant
Moore	Sabo	Turner
Moran (KS)	Salmon	Udall (CO)
Moran (VA)	Sanchez	Udall (NM)
Morella	Sanders	Upton
Murtha	Sandlin	Velazquez
Myrick	Sawyer	Vitter
Nadler	Saxton	Walden
Napolitano	Schaffer	Walsh
Neal	Schakowsky	Wamp
Nethercutt	Scott	Waters
Northup	Sensenbrenner	Watkins
Norwood	Serrano	Watt (NC)
Nussle	Sessions	Watts (OK)
Oberstar	Shadegg	Waxman
Obey	Shaw	Weiner
Olver	Shays	Weldon (FL)
Ortiz	Sherman	Weldon (PA)
Ose	Sherwood	Weller
Owens	Shimkus	Wexler
Oxley	Shows	Weygand
Pallone	Shuster	Whitfield
Pascarell	Simpson	Wilson
Pastor	Sisisky	Wolf
Payne	Skeen	Wu
Pease	Skelton	Wynn
Pelosi	Slaughter	Young (FL)
Peterson (MN)	Smith (NJ)	
Petri	Smith (TX)	

NAYS—11

Baird	Dingell	Stupak
Barton	Miller, George	Visclosky
Bonior	Paul	Woolsey
Capuano	Stark	

NOT VOTING—62

Ackerman	Fossella	Miller, Gary
Archer	Galleghy	Ney
Armey	Gillmor	Packard
Barr	Graham	Peterson (PA)
Bilbray	Granger	Pickett
Blagojevich	Green (TX)	Price (NC)
Bono	Hill (MT)	Rogan
Boucher	Hutchinson	Ros-Lehtinen
Bryant	Istook	Rush
Chenoweth-Hage	Kasich	Ryan (WI)
Clay	Kind (WI)	Sanford
Coburn	King (NY)	Scarborough
Costello	Kingston	Smith (MI)
Danner	Lantos	Talent
Davis (IL)	Largent	Taylor (NC)
DeFazio	LaTourette	Thompson (MS)
Diaz-Balart	Lipinski	Towns
Dickey	Martinez	Wicker
Dixon	McCarthy (NY)	Wise
Emerson	McCrery	Young (AK)
Filner	Miller (FL)	

□ 1504

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall No. 601, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

Mr. KIND. Mr. Speaker, on rollcall No. 601, unfortunately, due to an unavoidable weather delay I missed today's rollcall vote. Had I been present, I would have voted "yea."

□

# PAUL COVERDELL NATIONAL FORENSIC SCIENCES IMPROVEMENT ACT OF 2000

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 3045) to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Florida?

PARLIAMENTARY INQUIRY

Mr. SCOTT. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Virginia will state his parliamentary inquiry.

Mr. SCOTT. Mr. Speaker, was the request just to have the bill considered?

The SPEAKER pro tempore. The gentleman from Florida (Mr. MCCOLLUM) asked unanimous consent to discharge the Committee from further consideration of S. 3045 and to pass the bill in the House.

Is there objection to the request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida (Mr. MCCOLLUM) to explain the purpose of his motion.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the bill, S. 3045, is the Paul Coverdell National Forensic Science Improvement Act of 2000. It was introduced by Senator JEFF SESSIONS in the other body as a tribute to the late Senator Paul Coverdell. Senator Coverdell had introduced similar legislation earlier this Congress but did not live to see it acted upon. S. 3045 passed the other body by unanimous consent last Thursday.

S. 3045 is similar to a bill, H.R. 2340, introduced in the House by the gentleman from Georgia (Mr. BISHOP). It addresses the most pressing problems facing law enforcement today, the critical backlog of work in our State crime labs.

The crisis in our forensic labs is acute. According to a report issued in February by the Bureau of Justice Statistics, as of December 1997, 69 percent of State crime labs reported backlogs in the analysis of DNA samples alone. And of course, these backlogs also affect all types of evidence being prepared for trial.

The delays in conducting autopsies and crime scene evidence often delay the trial of a case, which means that victims have to suffer longer waits for justice to be done. And it also means

that a defendant who is innocent has to wait longer to prove their innocence. In cases where DNA evidence from a crime where there is no suspect can be matched to an offender in the national database of DNA samples from convicted offenders, any delay in conducting this analysis may allow the perpetrator to remain at large and free to commit more crimes.

We need to help our State labs increase their capacity to conduct forensic testing and to hire and train more people to do this work. The Coverdell Act authorizes \$512 million over 6 years to fund facilities, equipment, training, and accreditation for State and local crime labs across America. Seventy-five percent of the funds will be distributed to the States based on population, and 25 percent will be distributed by the Attorney General to high crime areas. To ensure that small States get their fair share of the funding, the act requires that each State receive a minimum of at least 0.6 percent of the total appropriated each year.

The bill expands the list of permitted uses of the Federal crime-fighting Byrne grants to allow States to use those funds to improving the quality, timeliness, and credibility of forensic science services, including DNA, blood, and ballistics tests. The act requires States to develop a plan outlining the manner in which the grants will be used to improve forensic services provided by State and local crime labs and limits administrative expenditures to 10 percent of the grant amount. And the act adds a reporting requirement so that the backlog reduction can be documented and tracked. We need to know how these grants are impacting backlogs in each State.

The bill also includes two provisions unrelated to forensic science grants. One clarifies a provision of the Civil Asset Forfeiture Act passed into law earlier this Congress. The other provision expresses a sense of the Congress regarding the use of DNA samples in certain cases. I support both provisions.

Mr. Speaker, numerous law enforcement organizations support the bill, including the American Society of Crime Laboratory Directors, the American Academy of Forensic Sciences, the National Association of Medical Examiners, the International Association of Police Chiefs, the Fraternal Order of Police, the National Organization of Black Law Enforcement Executives, and the National Association of Counties.

This act will clear the crippling backlogs in the forensic labs. In turn, it will help exonerate the innocent, convict the guilty, and restore confidence in our criminal justice system. It is an important bill, and I certainly urge my colleagues to support it.

Mr. SCOTT. Mr. Speaker, further reserving the right to object, I yield to the distinguished gentleman from Georgia (Mr. BISHOP), who has worked extremely hard on this particular legislation.

Mr. BISHOP. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the Paul Coverdell National Forensic Sciences Improvement Act. This bill covers issues that Senator Coverdell and I feel very, very strongly about. In fact, this bill will address concerns that almost every major law enforcement agency in the United States has a concern with. We hope that, by passage of this, that we will take another step forward in crime control and in our ability to move cases throughout our court system.

Today we are responding to law enforcement and criminal justice professionals from Georgia and throughout much of the country who have called on Congress to help them overcome the alarming shortages in forensic science resource that confront our States and communities.

These shortages in personnel, in modern equipment and lab space, in technology and computerization, in education and training have created what has been accurately described as a "choke point" in the country's system of justice.

□ 1515

Due to the lack of adequate resources, nearly 70 percent of the 600 State and community forensic laboratories, medical examiner's offices, and coroner's offices are experiencing major backlogs in their forensic caseloads. In 8 out of every 10 labs, the forensic caseloads are increasing much faster than their budgets.

These conditions have caused major delays, preventing the timely conviction of the guilty and exoneration of the innocent. These delays can be devastating to individuals and families, and dangerous for society at large. There are instances where suspects of violent offenses had to be freed because DNA testing could not get done.

Several years ago, the States' Coalition was formed among State law enforcement agency directors that took the lead in addressing the crisis. The director of the Georgia Bureau of Investigation, Buddy Nix, has been in the forefront of this effort which has the support of the entire criminal justice community. While calling on States to do as much as possible to alleviate the shortages, the coalition has also pointed out that this is a problem of national concern. And it is appropriate for the Federal Government to contribute to the solution.

The result is the National Forensic Sciences Improvement Act which I, a Democrat, and the late Paul Coverdell, a Republican, introduced in our respective Chambers, backed by strong bipartisan cosponsorship. Following the tragic loss of Senator Coverdell, the sponsors dedicated this measure in memory of our esteemed friend and colleague from Georgia.

This proposal simply provides block grants to States. To my knowledge, there is no real opposition to the bill's

merits. The only question is whether it will be given the priority treatment many of us believe it deserves. Will a new program such as this be among those that prevail in the competition for limited Federal dollars?

The Senate has answered that question, and today the House gives its answer, which I anticipate will be a resounding "yes."

Some people say the need to put more resources into the fight against crime is not as great as it was a few years ago. It is certainly true that FBI surveys show that the overall crime rate has steadily declined as a result of many factors, including a growing economy, tougher sentences, greater public awareness and involvement, and the high professionalism of today's criminal justice professionals. But it would be premature to declare victory.

Although the crime rate is falling, it is true that one out of every four American families is still victimized every year by one or more serious crimes. One out of every four. The monetary losses are still huge, \$19 billion or more a year. The suffering that many people experience continues to be incalculable.

Again, I commend Senator SESSIONS and everyone involved in this initiative to finish the task that meant so much to Senator Coverdell. I thank the Democratic members of the committee in the House and especially thank the subcommittee chairman, the gentleman from Florida (Mr. MCCOLLUM), and the ranking member, the gentleman from Virginia (Mr. SCOTT), who really deserve the lion's share of the credit. I would also like to thank the staff on both sides of the aisle who have worked diligently to keep this legislation alive for over a year. I support the bill and ask my colleagues to support it, also.

Mr. SCOTT. Mr. Speaker, reclaiming my time and under my reservation, I just want to thank the Commonwealth of Virginia for its excellent crime labs under the leadership of Paul Ferrara. Virginia has done an excellent job in forensic technology.

Mr. Speaker, based on the comments made by the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from Georgia (Mr. BISHOP), I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3045

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Paul Coverdell National Forensic Sciences Improvement Act of 2000".

#### SEC. 2. IMPROVING THE QUALITY, TIMELINESS, AND CREDIBILITY OF FORENSIC SCIENCE SERVICES FOR CRIMINAL JUSTICE PURPOSES.

(a) DESCRIPTION OF DRUG CONTROL AND SYSTEM IMPROVEMENT GRANT PROGRAM.—Section



501(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 375(b)) is amended—

(1) in paragraph (25), by striking “and” at the end;

(2) in paragraph (26), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(27) improving the quality, timeliness, and credibility of forensic science services for criminal justice purposes.”.

(b) STATE APPLICATIONS.—Section 503(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

“(13) If any part of the amount received from a grant under this part is to be used to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, a certification that, as of the date of enactment of this paragraph, the State, or unit of local government within the State, has an established—

“(A) forensic science laboratory or forensic science laboratory system, that—

“(i) employs 1 or more full-time scientists—

“(I) whose principal duties are the examination of physical evidence for law enforcement agencies in criminal matters; and

“(II) who provide testimony with respect to such physical evidence to the criminal justice system;

“(ii) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

“(iii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph; or

“(B) medical examiner’s office (as defined by the National Association of Medical Examiners) that—

“(i) employs generally accepted practices and procedures, as established by appropriate accrediting organizations; and

“(ii) is accredited by the Laboratory Accreditation Board of the American Society of Crime Laboratory Directors or the National Association of Medical Examiners, or will use a portion of the grant amount to prepare and apply for such accreditation by not later than 2 years after the date on which a grant is initially awarded under this paragraph.”.

(c) PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following:

**“PART BB—PAUL COVERDELL FORENSIC SCIENCES IMPROVEMENT GRANTS**

**“SEC. 2801. GRANT AUTHORIZATION.**

“The Attorney General shall award grants to States in accordance with this part.

**“SEC. 2802. APPLICATIONS.**

“To request a grant under this part, a State shall submit to the Attorney General—

“(1) a certification that the State has developed a consolidated State plan for forensic science laboratories operated by the State or by other units of local government within the State under a program described in section 2804(a), and a specific description of the manner in which the grant will be used to carry out that plan;

“(2) a certification that any forensic science laboratory system, medical examiner’s office, or coroner’s office in the State, including any laboratory operated by a unit of local government within the State, that will receive any portion of the grant amount uses generally accepted laboratory practices

and procedures, established by accrediting organizations; and

“(3) a specific description of any new facility to be constructed as part of the program described in paragraph (1), and the estimated costs of that facility, and a certification that the amount of the grant used for the costs of the facility will not exceed the limitations set forth in section 2804(c).

**“SEC. 2803. ALLOCATION.**

“(a) IN GENERAL.—

“(1) POPULATION ALLOCATION.—Seventy-five percent of the amount made available to carry out this part in each fiscal year shall be allocated to each State that meets the requirements of section 2802 so that each State shall receive an amount that bears the same ratio to the 75 percent of the total amount made available to carry out this part for that fiscal year as the population of the State bears to the population of all States.

“(2) DISCRETIONARY ALLOCATION.—Twenty-five percent of the amount made available to carry out this part in each fiscal year shall be allocated pursuant to the Attorney General’s discretion to States with above average rates of part 1 violent crimes based on the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 most recent calendar years for which such data is available.

“(3) MINIMUM REQUIREMENT.—Each State shall receive not less than 0.6 percent of the amount made available to carry out this part in each fiscal year.

“(4) PROPORTIONAL REDUCTION.—If the amounts available to carry out this part in each fiscal year are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (3), then the Attorney General shall reduce payments under paragraph (1) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (3)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (3).

“(b) STATE DEFINED.—In this section, the term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, except that—

“(1) for purposes of the allocation under this section, American Samoa and the Commonwealth of the Northern Mariana Islands shall be considered as 1 State; and

“(2) for purposes of paragraph (1), 67 percent of the amount allocated shall be allocated to American Samoa, and 33 percent shall be allocated to the Commonwealth of the Northern Mariana Islands.

**“SEC. 2804. USE OF GRANTS.**

“(a) IN GENERAL.—A State that receives a grant under this part shall use the grant to carry out all or a substantial part of a program intended to improve the quality and timeliness of forensic science or medical examiner services in the State, including such services provided by the laboratories operated by the State and those operated by units of local government within the State.

“(b) PERMITTED CATEGORIES OF FUNDING.—Subject to subsections (c) and (d), a grant awarded under this part—

“(1) may only be used for program expenses relating to facilities, personnel, computerization, equipment, supplies, accreditation and certification, education, and training; and

“(2) may not be used for any general law enforcement or nonforensic investigatory function.

“(c) FACILITIES COSTS.—

“(1) STATES RECEIVING MINIMUM GRANT AMOUNT.—With respect to a State that receives a grant under this part in an amount that does not exceed 0.6 percent of the total amount made available to carry out this part for a fiscal year, not more than 80 percent of the total amount of the grant may be used for the costs of any new facility constructed as part of a program described in subsection (a).

“(2) OTHER STATES.—With respect to a State that receives a grant under this part in an amount that exceeds 0.6 percent of the total amount made available to carry out this part for a fiscal year—

“(A) not more than 80 percent of the amount of the grant up to that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a); and

“(B) not more than 40 percent of the amount of the grant in excess of that 0.6 percent may be used for the costs of any new facility constructed as part of a program described in subsection (a).

“(d) ADMINISTRATIVE COSTS.—Not more than 10 percent of the total amount of a grant awarded under this part may be used for administrative expenses.

**“SEC. 2805. ADMINISTRATIVE PROVISIONS.**

“(a) REGULATIONS.—The Attorney General may promulgate such guidelines, regulations, and procedures as may be necessary to carry out this part, including guidelines, regulations, and procedures relating to the submission and review of applications for grants under section 2802.

“(b) EXPENDITURE RECORDS.—

“(1) RECORDS.—Each State, or unit of local government within the State, that receives a grant under this part shall maintain such records as the Attorney General may require to facilitate an effective audit relating to the receipt of the grant, or the use of the grant amount.

“(2) ACCESS.—The Attorney General and the Comptroller General of the United States, or a designee thereof, shall have access, for the purpose of audit and examination, to any book, document, or record of a State, or unit of local government within the State, that receives a grant under this part, if, in the determination of the Attorney General, Comptroller General, or designee thereof, the book, document, or record is related to the receipt of the grant, or the use of the grant amount.

**“SEC. 2806. REPORTS.**

“(a) REPORTS TO ATTORNEY GENERAL.—For each fiscal year for which a grant is awarded under this part, each State that receives such a grant shall submit to the Attorney General a report, at such time and in such manner as the Attorney General may reasonably require, which report shall include—

“(1) a summary and assessment of the program carried out with the grant;

“(2) the average number of days between submission of a sample to a forensic science laboratory or forensic science laboratory system in that State operated by the State or by a unit of local government and the delivery of test results to the requesting office or agency; and

“(3) such other information as the Attorney General may require.

“(b) REPORTS TO CONGRESS.—Not later than 90 days after the last day of each fiscal year for which 1 or more grants are awarded under this part, the Attorney General shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a report, which shall include—

“(1) the aggregate amount of grants awarded under this part for that fiscal year; and

“(2) a summary of the information provided under subsection (a).”.



## (2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3753(a)) is amended by adding at the end the following:

“(24) There are authorized to be appropriated to carry out part BB, to remain available until expended—

- “(A) \$35,000,000 for fiscal year 2001;
- “(B) \$85,400,000 for fiscal year 2002;
- “(C) \$134,733,000 for fiscal year 2003;
- “(D) \$128,067,000 for fiscal year 2004;
- “(E) \$56,733,000 for fiscal year 2005; and
- “(F) \$42,067,000 for fiscal year 2006.”.

(B) BACKLOG ELIMINATION.—There is authorized to be appropriated \$30,000,000 for fiscal year 2001 for the elimination of DNA convicted offender database sample backlogs and for other related purposes, as provided in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001.

(3) TABLE OF CONTENTS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by striking the table of contents.

(4) REPEAL OF 20 PERCENT FLOOR FOR CITA CRIME LAB GRANTS.—Section 102(e)(2) of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601(e)(2)) is amended—

(A) in subparagraph (B), by adding “and” at the end; and

(B) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

### SEC. 3. CLARIFICATION REGARDING CERTAIN CLAIMS.

(a) IN GENERAL.—Section 983(a)(2)(C)(ii) of title 18, United States Code, is amended by striking “(and provide customary documentary evidence of such interest if available) and state that the claim is not frivolous”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendment made by section 2(a) of Public Law 106-185.

### SEC. 4. SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

(a) FINDINGS.—Congress finds that—

(1) over the past decade, deoxyribonucleic acid testing (referred to in this section as “DNA testing”) has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

(3) in other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact;

(4) DNA testing was not widely available in cases tried prior to 1994;

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

(6) DNA testing can and has resulted in the post-conviction exoneration of more than 75 innocent men and women, including some under sentence of death;

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

(9) under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence;

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

(12) States have received millions of dollars in DNA-related grants, and more funding is needed to improve State forensic facilities and to reduce the nationwide backlog of DNA samples from convicted offenders and crime scenes that need to be tested or retested using upgraded methods;

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in this country;

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases; and

(2) Congress should work with the States to improve the quality of legal representation in capital cases through the establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of the proceedings.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□

### DNA ANALYSIS BACKLOG ELIMINATION ACT OF 2000

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4640) to make grants to States for carrying out DNA analyses for use in the Combined DNA Index System of the Federal Bureau of Investigation, to provide for the collection and analysis of DNA samples from certain violent and sexual offenders for use in such system, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Senate amendment:

Page 26, after line 6, insert:

### SEC. 11. SENSE OF CONGRESS REGARDING THE OBLIGATION OF GRANTEE STATES TO ENSURE ACCESS TO POST-CONVICTION DNA TESTING AND COMPETENT COUNSEL IN CAPITAL CASES.

(a) FINDINGS.—Congress finds that—

(1) over the past decade, deoxyribo-nucleic acid testing (referred to in this section as “DNA testing”) has emerged as the most reliable forensic technique for identifying criminals when biological material is left at a crime scene;

(2) because of its scientific precision, DNA testing can, in some cases, conclusively establish the guilt or innocence of a criminal defendant;

(3) in other cases, DNA testing may not conclusively establish guilt or innocence, but may have significant probative value to a finder of fact;

(4) DNA testing was not widely available in cases tried prior to 1994;

(5) new forensic DNA testing procedures have made it possible to get results from minute samples that could not previously be tested, and to obtain more informative and accurate results than earlier forms of forensic DNA testing could produce, resulting in some cases of convicted inmates being exonerated by new DNA tests after earlier tests had failed to produce definitive results;

(6) DNA testing can and has resulted in the post-conviction exoneration of more than 75 innocent men and women, including some under sentence of death;

(7) in more than a dozen cases, post-conviction DNA testing that has exonerated an innocent person has also enhanced public safety by providing evidence that led to the apprehension of the actual perpetrator;

(8) experience has shown that it is not unduly burdensome to make DNA testing available to inmates in appropriate cases;

(9) under current Federal and State law, it is difficult to obtain post-conviction DNA testing because of time limits on introducing newly discovered evidence;

(10) the National Commission on the Future of DNA Evidence, a Federal panel established by the Department of Justice and comprised of law enforcement, judicial, and scientific experts, has urged that post-conviction DNA testing be permitted in the relatively small number of cases in which it is appropriate, notwithstanding procedural rules that could be invoked to preclude such testing, and notwithstanding the inability of an inmate to pay for the testing;

(11) only a few States have adopted post-conviction DNA testing procedures;

(12) States have received millions of dollars in DNA-related grants, and more funding is needed to improve State forensic facilities and to reduce the nationwide backlog of DNA samples from convicted offenders and crime scenes that need to be tested or retested using upgraded methods;

(13) States that accept such financial assistance should not deny the promise of truth and justice for both sides of our adversarial system that DNA testing offers;

(14) post-conviction DNA testing and other post-conviction investigative techniques have shown that innocent people have been sentenced to death in the United States;

(15) a constitutional error in capital cases is incompetent defense lawyers who fail to present important evidence that the defendant may have been innocent or does not deserve to be sentenced to death; and

(16) providing quality representation to defendants facing the loss of liberty or life is essential to fundamental due process and the speedy final resolution of judicial proceedings.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress should condition forensic science-related grants to a State or State forensic facility on the State's agreement to ensure post-conviction DNA testing in appropriate cases; and

(2) Congress should work with the States to improve the quality of legal representation in capital cases through the establishment of standards that will assure the timely appointment of competent counsel with adequate resources to represent defendants in capital cases at each stage of those proceedings.

Mr. McCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida to explain the purpose of his request.

Mr. McCOLLUM. I thank the gentleman from Virginia (Mr. SCOTT) for yielding.

Mr. Speaker, I introduced the bill, H.R. 4640, which is the subject of this request, the DNA Analysis Backlog Elimination Act, together with the gentleman from Virginia (Mr. SCOTT) as the ranking minority member, the gentleman from Ohio (Mr. CHABOT), the gentleman from New York (Mr. WEINER), and the gentleman from New York (Mr. GILMAN) to address a very important problem, the massive backlog of biological samples awaiting DNA analysis in the States. This bill will authorize the appropriation of Federal funds to be awarded to States in order to clear this backlog. It also gives the Federal Government much needed authority to take DNA samples from certain Federal offenders and include them in the FBI's national database of convicted offender samples that matches known offenders to crimes where the perpetrator is yet to be discovered.

The bill was first passed by the House by voice vote on October 2. The other body passed the bill by unanimous consent yesterday. In the other body, the bill was slightly amended in one regard: It added a sense of the Congress concerning the use of DNA evidence in certain cases. The sense of the Congress is identical to that contained in S. 3045, the bill just passed by the House. So I see no problem with it at all. I think it is a very important bill that the gentleman and I have worked on for some time. I would urge my colleagues to support it.

Mr. SCOTT. Mr. Speaker, this is the bill we passed, and the Senate amendment improved the bill.

Mr. GILMAN. Mr. Speaker, I would like to express my gratitude to Chairman McCOLLUM for his dedication and diligence in bringing H.R. 4640, the DNA Analysis Backlog Elimination Act, to the floor today, and am pleased that this legislation reflects many of the provisions outlined in my measure, H.R. 3375, the Convicted Offender DNA Index System Support Act. I've had the pleasure of working closely with him, Ranking Member SCOTT, and Representatives RAMSTAD, STUPAK, KENNEDY, WEINER, and CHABOT, in developing this legis-

lation, which will meet the needs of prosecutors, law enforcement, and victims throughout our Nation.

Mr. Speaker, in 1994, the Congress passed the DNA Identification Act, which authorized the construction of the combined DNA index system, or CODIS, to assist our Federal, State and local law enforcement agencies in fighting violent crime throughout the Nation. CODIS is a master database for all law enforcement agencies to submit and retrieve DNA samples of convicted violent offenders. Since beginning its operation in 1998, the system has worked extremely well in assisting law enforcement by matching DNA evidence with possible suspects and has accounted for the capture of over 200 suspects in unsolved violent crimes.

However, because of the high volume of convicted offender samples needed to be analyzed, a nationwide backlog of approximately 600,000 unanalyzed convicted offender DNA samples has formed. Furthermore, because the program has been so vital in assisting crime fighting and prevention efforts, our States are expanding their collection efforts. Recently, New York State Governor George Pataki enacted legislation to expand the State's collection of DNA samples to require all violent felons and a number of non-violent felony offenders, and, earlier this year, the use of the expanded system resulted in charges being filed in a 20-year-old Westchester County murder.

State forensic laboratories have also accumulated a backlog of evidence for cases for which there are no suspects. These are evidence "kits" for unsolved violent crimes which are stored away because our State forensic laboratories do not have the support necessary to analyze them and compare the evidence to our nationwide data bank. Presently, there are approximately 12,000 rape cases in New York City alone, and, it is estimated, approximately 180,000 rape cases nationwide, which are unsolved and unanalyzed. This number represents a dismal future for the success of CODIS and reflects the growing problem facing our law enforcement community. The DNA Analysis Backlog Elimination Act will provide States with the support necessary to combat these growing backlogs. The successful elimination of both the convicted violent offender backlog and the unsolved casework backlog will play a major role in the future of our State's crime prevention and law enforcement efforts.

The DNA Analysis Backlog Elimination Act will also provide funding to the Federal Bureau of Investigation to eliminate their unsolved casework backlog and close a loophole created by the original legislation. Although all 50 States require DNA collection from designated convicted offenders, for some inexplicable reason, convicted Federal, District of Columbia and military offenders are exempt, H.R. 4640 closes that loophole by requiring the collection of samples from any Federal, Military, or D.C. offender convicted of a violent crime.

Mr. Speaker, as you are aware, our Nation's fight against crime is never over. Everyday, the use of DNA evidence is becoming a more important tool to our Nation's law enforcement in solving crimes, convicting the guilty and exonerating the innocent. The Justice Department estimates that erasing the convicted offender backlog nationwide could resolve at least 600 cases. The true amount of unsolved cases, both State and Federal, which may be

concluded through the elimination of both backlogs is unknown. However, if one more case is solved and one more violent offender is detained because of our efforts, we have succeeded.

In conclusion, we must ensure that our Nation's law enforcement has the equipment and support necessary to fight violent crime and protect our communities. The DNA Analysis Backlog Elimination Act will assist our local, State and Federal law enforcement personnel by ensuring that crucial resources are provided to our DNA data-banks and crime laboratories.

Accordingly, I urge full support for the measure.

Mr. SCOTT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

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#### INTERSTATE TRANSPORTATION OF DANGEROUS CRIMINALS ACT OF 2000

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1898) to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida to explain the purpose of his request.

Mr. McCOLLUM. I thank the gentleman for yielding.

Mr. Speaker, this bill, S. 1898, is the Interstate Transportation of Dangerous Criminals Act of 2000, also known as Jeanna's Act, which passed the other body by unanimous consent on October 25 of this year.

Every year thousands of violent felons are moved from prison to prison on our Nation's highways. Many of these criminals are transported by the U.S. Marshals Service and the Federal Bureau of Prisons. However, as the number of criminals in State prisons continues to rise, many States now rely heavily on private prisoner transportation companies to move prisoners from State to State. Because there is no uniform set of standards and procedures for these prisoner transport companies to follow, the results are sometimes disastrous when prisoners escape.

A major reason for escapes from prisoner transport companies is the lack of approved standards for the private transport of dangerous prisoners. Anyone with a vehicle and a driver's license can engage in this business and

with very little accountability when things go wrong.

S. 1898 seeks to increase public safety by requiring the Attorney General to establish minimum standards and requirements for companies engaging in the business of transporting violent offenders. S. 1898 provides that any person who violates the regulations to be promulgated by the Attorney General shall be liable for a civil penalty in an amount not to exceed \$10,000 for each violation and shall make restitution to the government for the money expended to apprehend any prisoner who escapes.

Mr. Speaker, it is absolutely essential that we put in place minimum standards for the transport of prisoners by private transport companies. S. 1898 will do that. I certainly urge my colleagues to support this legislation.

I might add that this is probably the final bill, I would assume it will be, of this Congress that comes forward that the Subcommittee on Crime of the Committee on the Judiciary produces here on the House floor. It is also the final one that I think I will get to offer as a Member of this body. I want to thank the gentleman from Virginia (Mr. SCOTT) in particular and all the members of the Subcommittee on Crime of the Committee on the Judiciary and our staffs on both sides for their wonderful cooperation over the past 2 years, for that matter over the past 6 years, I have been privileged to be chairman of the Subcommittee on Crime. This is one of a series of many products that we have produced and has been done often, as many of these pieces of legislation have, in very bipartisan, cooperative fashion with the gentleman from Virginia and the other members. I want to thank him for that. It is not a controversial bill as many are not, but it has been a great privilege to serve in this body and a great privilege to have served as chairman of this subcommittee.

Mr. SCOTT. Mr. Speaker, reclaiming my time, I would first point out that as the gentleman from Florida mentioned, this bill addresses important concerns and therefore ought to be passed.

Let me congratulate the gentleman from Florida for his tireless efforts over the past few years as chairman of the Subcommittee on Crime and for his ability to work constructively even with those who disagreed with him on the particular bills, constructively on working towards fashioning legislation that would help the Nation. He has led the effort in addressing the Congress' efforts on the issue of crime. He has done it in a constructive way. We have been able to work together even when we disagreed. For that, Mr. Speaker, I want to thank the gentleman for his service and wish him well.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1898

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Interstate Transportation of Dangerous Criminals Act of 2000" or "Jeanna's Act".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Increasingly, States are turning to private prisoner transport companies as an alternative to their own personnel or the United States Marshals Service when transporting violent prisoners.

(2) The transport process can last for days if not weeks, as violent prisoners are dropped off and picked up at a network of hubs across the country.

(3) Escapes by violent prisoners during transport by private prisoner transport companies have occurred.

(4) Oversight by the Attorney General is required to address these problems.

(5) While most governmental entities may prefer to use, and will continue to use, fully trained and sworn law enforcement officers when transporting violent prisoners, fiscal or logistical concerns may make the use of highly specialized private prisoner transport companies an option. Nothing in this Act should be construed to mean that governmental entities should contract with private prisoner transport companies to move violent prisoners; however when a government entity opts to use a private prisoner transport company to move violent prisoners, then the company should be subject to regulation in order to enhance public safety.

#### SEC. 3. DEFINITIONS.

In this Act:

(1) CRIME OF VIOLENCE.—The term "crime of violence" has the same meaning as in section 924(c)(3) of title 18, United States Code.

(2) PRIVATE PRISONER TRANSPORT COMPANY.—The term "private prisoner transport company" means any entity, other than the United States, a State, or an inferior political subdivision of a State, which engages in the business of the transporting for compensation, individuals committed to the custody of any State or of an inferior political subdivision of a State, or any attempt thereof.

(3) VIOLENT PRISONER.—The term "violent prisoner" means any individual in the custody of a State or an inferior political subdivision of a State who has previously been convicted of or is currently charged with a crime of violence or any similar statute of a State or the inferior political subdivisions of a State, or any attempt thereof.

#### SEC. 4. FEDERAL REGULATION OF PRISONER TRANSPORT COMPANIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, in consultation with the American Correctional Association and the private prisoner transport industry, shall promulgate regulations relating to the transportation of violent prisoners in or affecting interstate commerce.

(b) STANDARDS AND REQUIREMENTS.—The regulations shall include the following:

(1) Minimum standards for background checks and preemployment drug testing for potential employees, including requiring criminal background checks, to disqualify persons with a felony conviction or domestic violence conviction as defined by section 921 of title 18, United States Code, for eligibility for employment. Preemployment drug testing will be in accordance with applicable State laws.

(2) Minimum standards for the length and type of training that employees must undergo before they can transport prisoners not to exceed 100 hours of preservice training focusing on the transportation of prisoners. Training shall be in the areas of use of restraints, searches, use of force, including use of appropriate weapons and firearms, CPR, map reading, and defensive driving.

(3) Restrictions on the number of hours that employees can be on duty during a given time period. Such restriction shall not be more stringent than current applicable rules and regulations concerning hours of service promulgated under the Federal Motor Vehicle Safety Act.

(4) Minimum standards for the number of personnel that must supervise violent prisoners. Such standards shall provide the transport entity with appropriate discretion, and, absent more restrictive requirements contracted for by the procuring government entity, shall not exceed a requirement of 1 agent for every 6 violent prisoners.

(5) Minimum standards for employee uniforms and identification that require wearing of a uniform with a badge or insignia identifying the employee as a transportation officer.

(6) Standards establishing categories of violent prisoners required to wear brightly colored clothing clearly identifying them as prisoners, when appropriate.

(7) Minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate.

(8) A requirement that when transporting violent prisoners, private prisoner transport companies notify local law enforcement officials 24 hours in advance of any scheduled stops in their jurisdiction.

(9) A requirement that in the event of an escape by a violent prisoner, private prisoner transport company officials shall immediately notify appropriate law enforcement officials in the jurisdiction where the escape occurs, and the governmental entity that contracted with the private prisoner transport company for the transport of the escaped violent prisoner.

(10) Minimum standards for the safety of violent prisoners in accordance with applicable Federal and State law.

(c) FEDERAL STANDARDS.—Except for the requirements of subsection (b)(6), the regulations promulgated under this Act shall not provide stricter standards with respect to private prisoner transport companies than are applicable, without exception, to the United States Marshals Service, Federal Bureau of Prisons, and the Immigration and Naturalization Service when transporting violent prisoners under comparable circumstances.

#### SEC. 5. ENFORCEMENT.

(a) PENALTY.—Any person who is found in violation of the regulations established by this Act shall—

(1) be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each violation and, in addition, to the United States for the costs of prosecution; and

(2) make restitution to any entity of the United States, of a State, or of an inferior political subdivision of a State, which expends funds for the purpose of apprehending any violent prisoner who escapes from a prisoner transport company as the result, in whole or in part, of a violation of regulations promulgated pursuant to section 4(a).

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

# REMEMBERING PEARL HARBOR DAY AND OUR NATION'S HEROES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, on this day in 1941, Japan attacked and launched a sudden stealth attack on the United States by bombing the naval base in Pearl Harbor, Hawaii. This sneak attack on Pearl Harbor caused widespread destruction and death, similar to the devastation and destruction that would become an all too unfortunate characteristic of World War II.

This day, which will live in infamy, began our Nation's involvement in a war which Americans will never forget. Our World War II veterans served our Nation proudly and made great sacrifices to protect our country and our future. As a veteran myself, I greatly admire the courage and fortitude of those who served in World War II.

The United States is the leader of the world today because of their valiant contributions. On this solemn day, Mr. Speaker, I encourage every Member to take a moment and recognize the service and sacrifice of our veterans, especially those Americans who had to witness two world wars in one century. You made our Nation what it is today. We all thank you.

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# TRIBUTE TO HIGHER EDUCATION IN NEW JERSEY

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, it is with great pride that I rise today and bring attention to a report that was recently released by the National Center for Public Policy and Higher Education. The report, entitled "Measuring Up 2000," found New Jersey is among the country's best places to live for families that have college-bound students in their household.

One reason is that New Jersey's elementary and secondary education rates are among the top in the Nation which is what prepares our college-bound students. In fact, New Jersey students have a 92 percent high school graduation rate and high SAT and advance placement scores. Fifty-four percent of high school freshmen enrolled in college after completion of high school and 39 percent of 18- to 24-year-olds enrolled in college.

New Jersey's institutions of higher learning also achieved high scores in categories such as preparation, participation, benefits, and affordability.

As a former teacher and Congressman for the Eighth Congressional District, I am very proud of this report. I ask all the Members to read it. I think it would be very worthwhile.

# WORKING TOGETHER ON ENERGY POLICY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, despite years of record economic expansion, there are storm clouds gathering on the horizon. One of those dark clouds is American energy policy, which for the last 8 years has been, in effect, an anti-energy policy, thwarting domestic energy supplies and driving up costs with needless regulations.

As winter sets in, natural gas and crude oil prices are at record levels and it is the American worker who must shoulder these increases. As Governor Bush points out, we need to unite across party lines and work together for the American people. Formulating a new domestic energy policy is a perfect place to start.

Together we can ensure that new energy technologies receive proper R&D funding. We can reduce our over-reliance on foreign oil through environmentally sound domestic production. We can reduce pollution without resorting to flawed emissions trading schemes; and we can combine forces to see that clean coal, natural gas, nuclear, and hydro continue to provide the reliable and safe energy that drives the U.S. economy.

□

# ON ELECTORAL COLLEGE REFORM

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, the election mess in Florida and the closeness of the election throughout the Nation has cemented the fact that we must reform the electoral college.

Today, I have introduced legislation to amend the Constitution to provide two middle-of-the-road options. Neither will totally scrap the system, yet both will allow the voters more of a voice in electing the President.

The first resolution, or the proportional plan, will change the electoral college system by awarding electoral votes in each State based on the percentage of the popular vote gained by each ticket in that State. For instance, if one candidate got 60 percent of the popular vote in a State, he would get 60 percent of the electoral votes of that State and the other candidate getting 40 percent would get 40 percent of the votes in that State.

The second bill, or the district plan, will award one electoral vote to the candidate who wins in each congressional district in the country with the additional two electoral votes of each State awarded to the winner of the popular vote in each State.

□ 1530

This plan is already in place in Maine and Nebraska, and several State legislatures are going to be considering

adopting it. It just does not seem right, as we have the current situation in Florida, where all the electoral votes of that State hinge on a few hundred votes either way.

So I offer these two proposals as a way to begin the discussion and further this debate. There is a place for tradition in our country and a place for reform, and I think these proposals offer an equitable balance between the two.

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# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair will proceed to recognize Members for Special Order speeches without prejudice to the possible resumption of legislative business.

□

# SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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# COMMENDING SOUTH DAKOTA'S WILL MERCHEN AND JOSH HEUPEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from South Dakota (Mr. THUNE) is recognized for 60 minutes as the designee of the majority leader.

Mr. THUNE. Mr. Speaker, I come to the well of the House today to pay special tribute and recognition to two incredible South Dakotans.

Mr. Speaker, I would like to share with you and my colleagues the stories of two great young men from my great State. Both men have very different lives; but their actions, leadership and talents are far reaching, and I would like all of us to recognize them today.

First, Mr. Speaker, I would like to share with the body the story, the amazing story, about a young man from Aberdeen, South Dakota. Josh Heupel is the son of Ken and Cindy Heupel. Josh attends Oklahoma University in Norman, Oklahoma. This is the home district of my friend and colleague, our conference cochair, the gentleman from Oklahoma (Mr. WATTS). I point this out because I believe that the gentleman from Oklahoma (Mr. WATTS) and I share the same appreciation for the type of person that Josh Heupel is.

You see, Mr. Speaker, Josh Heupel is not your ordinary student. From age 4, he has been submerged in the world of

football. He would go with his father, Ken, then assistant coach at Aberdeen's Northern State University, to watch hours of football game film with other coaches.

After playing football in high school, Josh considered himself lucky to play for Weber State in Ogden, Utah. There he red-shirted in 1996 and suffered a knee injury in 1997. He threw himself into two-a-day workouts, hoping to win the starting spot at Weaver, but injured himself again.

Josh moved on to Snow Junior College in Ephraim, Utah, where he shared the starting quarterback position with the leading juco passer in the Nation. In just 10 first halves that season, Josh completed 153 of 258 passes for 2,308 yards and 28 touchdowns. That was more than good enough for the University of Oklahoma. They took on Josh Heupel. And today, as leading quarterback, Heupel, or "Hype" as his teammates call him, Josh has led Oklahoma to a 12 and 0 record and a trip to the Orange Bowl for the national championship showdown. He has completed 280 of 433 passes for 3,392 yards and 20 touchdowns. He has at least one touchdown pass in all 24 of his career games at Oklahoma, and has passed for more than 300 yards in 14 of them.

He has already been named the Big 12 Conference Player of the Year, the Walter Camp Player of the Year, and the Sporting News College Football Player of the Year, and today he was named the Associated Press College Player of the Year.

Today, he and his mom, Cindy, his dad, Ken, and his sister, Andrea, spend the day at ceremonies. Josh is in the running for the Maxwell Award, which goes to the best player in college football, and the Davey O'Brien National Quarterback Award.

It is not surprising that Josh Heupel is one of the four finalists for the naming of the best quarterback in the country. This Saturday, Heupel will be accompanied by his family and will be awaiting the announcement of the next Heisman Trophy winner. He is the only South Dakotan ever to be considered and nominated for such a prestigious award.

His coach, Bob Stoops, calls him "the factor" for Oklahoma's number one ranking, and "the heart of the team." Others say he is the biggest reason that the Sooners are going to the Orange Bowl for a shot at the national championship against Florida State.

But I want you to listen, Mr. Speaker, to what his mom, Cindy, says. "These individual awards are very prestigious, but if you know Josh, they're not what matters. The opportunity to play for the national title is what really matters. You've got to know Josh. He is for real. The team goals are what he wants." She goes on to say that Josh will pass the credit for his awards to his coaches and teammates, that the awards are team awards.

But there is more to Josh Heupel than just football. Josh is a good stu-

dent at the University of Oklahoma. He attends Bible study twice a week with his sister, Andrea, a freshman at the university. Josh has dedicated himself to civic duty. He makes visits to sick children. And just last year, Josh came up with an idea to help area families in Norman, Oklahoma, with a food drive. In the second year, they received more than 1,500 pounds of food and more than \$5,000, all spearheaded by Josh Heupel.

A representative from the University of Oklahoma told my office that one of the things that most impressed him about Josh was that on Media Day, Josh Heupel stayed until every child and fan who wanted one got his autograph.

I think that his talent and skill on the football field cannot overshadow this young man's character. Josh Heupel is an outstanding young man who is humble and deeply committed to his faith.

Of course, Mr. Speaker, everyone from South Dakota, and I believe from Oklahoma as well, will be rooting for Josh Heupel on Saturday as the last votes for the Heisman Trophy are counted. But in my book, the score is already final. Josh Heupel has won our hearts and our hopes. He does not need a Heisman Trophy to prove it. Josh Heupel's mom was right, Josh really is the real thing. And for that, I wish him, his family and his team the very best.

Mr. Speaker, I would also like to commend this afternoon another inspiring South Dakotan. I would like to recognize a 20-year-old man by the name of Will Merchen of Rapid City, South Dakota.

Will graduated from Rapid City Central High School in 1999, married his high school sweetheart, Bethany, and started a family. But Will was always stirred by a sense of adventure. He earned the highest position of Eagle Scout, and it was not a surprise to his parents when he thought about joining the United States Navy. In January 1999, Will raised his right hand and made a decision that would change his life dramatically.

You see, Mr. Speaker, 20-year-old Will Merchen was assigned as a damage controlman third class aboard the U.S.S. *Cole*. We have all seen the pictures of the 40-by-40-foot gaping hole in the hull of the U.S.S. *Cole* after the apparent terrorist attack on October 12. We have all seen the grief on the faces of the wounded sailors and their families. But in all this tragedy, I would like to tell you a story about a brave young soul who made it his duty to make sure that all the wounded were rescued and that the ship was saved. This, Mr. Speaker, is Will Merchen's story.

As the number one nozzle man, Will was a specialist at putting out fires and stopping flooding at sea. But he never dreamed that his skills and knowledge would be tested just 3 months into his first 6-month cruise on a destroyer.

Will was in a compartment 15 feet from the site of the explosion. After being thrown to the floor, Will and his crewmates raced to retrieve their emergency equipment and began looking for others. Donned in scuba gear, gloves and fire helmets with headlamps, the three damage controlmen worked their way toward the site.

Amidst the screams, the men helped friends and officers, many of them wounded, to safety. They could not save a senior chief, who spent his last seconds alive with the men. Will and his team used the Jaws of Life to cut half a dozen wounded sailors from wreckage and debris. Then they began the task of removing bodies of their shipmates. In his words Will said, "We called it search and rescue, but that was optimistic. Everyone knows what we were doing. I will never, ever, forget."

Will himself lost three very close friends in that tragedy.

But Will and his team's job was not yet finished. They still needed to stabilize the ship from the rushing waters. Will Merchen and damage controlmen worked for 48 hours straight after the blast to empty flooded compartments and save their shipmates. In the end, 17 sailors died, more than three dozen injured, but because Will Merchen survived, many of his shipmates are alive today.

Retired General William W. Crouch, a member of the special commission investigating the attack on the *Cole*, said this of the damage control teams: "It was an inspired performance and one which every American should be proud of. Those sailors saved themselves, their shipmates, they saved the U.S.S. *Cole*." That is exactly what Will Merchen did. This young man went beyond the call of duty.

Mr. Speaker, when Will took some well-deserved time off with his wife Bethany, their 17-month-old daughter, Ellen, his parents, Bill and Betty, and his brother, Scott, in Black Hawk, South Dakota, he shared this with a local reporter: "I joined the Navy because my father was a first class petty officer on board the U.S.S. *Seattle*. The Navy helped him become a great man, and I hope the same for myself. I am proud of the core values, honor, courage and commitment which the Navy has taught me, and I plan to apply them to all aspects of my life."

Mr. Speaker, I draw attention today to Will Merchen and to his colleagues on that ship, and perhaps particularly fitting on this anniversary of the bombing of Pearl Harbor, as our country remembers, recognizes, the great sacrifice that is made by these young men and women on a daily basis to keep America safe and strong and secure.

Will Merchen, you already have demonstrated the values of honor, courage and commitment in your life; and for that, many of your crewmates and their families and our country can be

grateful. We are honored to have you continue in serving our great country in the United States Navy.

Mr. Speaker, Will Merchen and Josh Heupel are young men that have already accomplished much, and they have very promising futures ahead of them; and they are an example of the type of character, the type of values, the type of principled commitment to action that I believe is reflective and represented in my great State of South Dakota. For these young men's efforts in their particular fields, I am particularly grateful and proud; and I know that South Dakota is very, very proud as well.

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#### PRESCRIPTION DRUG COVERAGE

The SPEAKER pro tempore (Mr. THORNBERRY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, I am going to talk today about the high cost of prescription drugs and a little bit about what happened on this issue this year, both here in Congress and why this issue became an important issue in the presidential election, and talk about some proposed solutions to this problem as we look forward to the 107th Congress next year, because, Mr. Speaker, I am afraid we will end up this 106th Congress without addressing at least in a major way the high cost of prescription drugs. We have done something on this which I will talk about a little bit later.

Mr. Speaker, what is the problem? Why do we have such high prescription drug costs? How are those high prescription drug costs affecting people in the country?

Mr. Speaker, this is a photo of William Newton, who is 74 years old. He is from Altoona, Iowa. He is a constituent in my district whose savings vanished when his late wife, Juanita, whose picture he is holding, needed prescription drugs that cost as much as \$600 a month. Mr. Newton said, "She had to have them. There was no choice. It's a very serious situation and it isn't getting any better because drugs keep going up and up."

Mr. Speaker, when James Weinman of Indianola, Iowa, just south of Des Moines where I live, and his wife, Maxine, make their annual trip to Texas, the two make a side trip, as well. They cross the border to Mexico and they load up on prescription drugs, which are not covered under their MediGap plan. Their prescription drugs cost less than half as much in Mexico as they do in Iowa.

This problem is not localized to Iowa, it is everywhere. The problem that Dot Lamb, an 86-year-old woman in Portland, Maine, who has hypertension, asthma, arthritis, and osteoporosis, has paying for her prescription drugs is all too common. She takes five pre-

scription drugs that cost over \$200 total each month, over 20 percent of her monthly income. Medicare and her supplemental insurance do not cover prescription drugs.

Mr. Speaker, I recently received a letter from a computer-savvy senior citizen who volunteers at a hospital that I worked in before coming to Congress.

Dear Congressman Ganske . . . after completing a University of Iowa study on Celebrex 200 milligrams for arthritis, I got a prescription from my M.D. and picked it up at the hospital pharmacy. My cost was \$2.43 per pill with a volunteer discount!

He goes on:

Later on the Internet I found the following:

A. I can order these drugs through a Canadian pharmacy if I use a doctor certified in Canada or my doctor can order it "on my behalf" through his office, for 96 cents per pill, plus shipping;

B. I can order these drugs through PharmaWorld in Geneva, Switzerland, after paying either of two American doctors \$70 for a phone consultation, at a cost of \$1.05 per pill, plus handling and shipping.

C. I can send \$15 to a Texan,

which may interest the Speaker,

and get a phone number at a Mexican pharmacy which will send it without a prescription . . . at a price of 52 cents per pill.

This constituent closes his letter to me by saying,

I urge you, Dr. Ganske, to pursue the reform of medical costs and stop the outlandish plundering by pharmaceutical companies.

Mr. Speaker, I want to make it very clear, I am in favor of prescription drugs being more affordable, not just for senior citizens but for all Americans. Let us look at the facts of the problem, and then we will discuss some solutions.

There is no question that prices for drugs are rising rapidly. A recent report found that the prices of the 50 top-selling drugs for seniors rose much faster than inflation. Thirty-three of the 50 drugs rose in price at least 1½ times inflation. Half of the drugs increased at twice inflation. Sixteen drugs increased at least three times the inflation rate, and 20 percent of the 50 top selling drugs for senior citizens rose at least four times the rate of inflation in the last year.

The prices of some drugs are rising even faster. Furosemide, a generic diuretic, rose 50 percent in 1999. Klor-con 10, a brand name drug, rose 43.8 percent.

That was not a 1-year phenomenon. Thirty-nine of these 50 drugs have been on the market for at least 6 years. The prices of three-fourths of this group rose at least 1.5 times inflation, over half rose at twice inflation, more than 25 percent increased at three times inflation, and six drugs at over five times inflation. Lorazepam rose 27 times inflation and furosemide 14 times inflation in the last 6 years.

Prilosec is one of the two top-selling drugs prescribed for seniors. The annual cost for that 20 milligram GI drug,

unless one has some type of drug discount, is \$1,455. For a widow at 150 percent of poverty, the annual cost of Prilosec alone will consume more than \$1 in \$9 of that senior's total budget.

Let us look at a widow living on \$16,700 a year. That is 200 percent of poverty. That is a lot more than a lot of widows have. If she has diabetes, hypertension, and high cholesterol, so she is taking a glucophage, Procardin, and Lipitor, her drug costs are going to be 13.7 percent of her income. If she is just taking that drug Prilosec for acid reflux disease, we can see that one drug alone even at this income represents about 8.7 percent of her total income.

My friend from Des Moines, the Iowa Lutheran hospital volunteer senior citizen, as do the Weinmans from Indiana from their shopping trips in Mexico for prescription drugs, know that drug prices are much higher in the United States than they are in other countries.

A story from USA Today comparing U.S. drug prices to prices in Canada, Great Britain, and Australia for the 10 best-selling drugs verified that drug prices are higher here in the United States than overseas.

For example, that drug Prilosec for acid reflux is 2 to 2½ times as expensive in the United States. Prozac was 2 to 2½ times as expensive. Lipitor was 50 percent to 92 percent more expensive. Prevacid was as much as four times more expensive. Only one drug, Epogen, was cheaper in the United States than in the other countries.

High drug prices have been a problem for the past decade. Two GAO studies from 1992 and 1994 showed the same results. Comparing prices for 121 drugs sold in the United States and Canada, prices for 98 of the drugs were higher in the United States. Comparing 77 drugs sold in the United States and the United Kingdom, 86 percent of the drugs were higher in the United States, and three out of five were more than twice as high.

Look at this chart that shows some of the high drug prices in the United States, that is the first row, compared to the European price: Prozac, \$36.12 in the United States; the European price, \$18.50. Claritin, one of the most popular antihistamines: in the United States, \$44; in Europe, \$8.75. We can go right down this list. Here is one, Premarin. In the United States, it is \$14.98; in Europe, \$4.25.

Mr. Speaker, the drug companies claim that drug prices are so high here because of research and development costs. I do want to say that there is a great need for research. For example, around the world, we are seeing an explosion of antibiotic-resistant bacteria, like tuberculosis, and we are going to need research and development for new drugs.

A new report by the World Health Organization outlines that concern on infectious diseases. However, data from PhRMA, the pharmaceutical trade organization, that I saw presented in Chicago several months ago showed little



increase in research and development, especially in comparison with significant increases in advertising and marketing by the pharmaceutical companies.

Since 1997, the FDA reform bill, advertising by drug companies has gotten so frequent that Healthline recently reported that consumers watch, on the average, nine prescription drug commercials on TV every day.

Look at the 1998 figures for the big drug companies. In every case, marketing, advertising, sales, and administrative costs exceeded research and development costs. In 1999, four of the five companies with the highest revenues spent at least twice as much on marketing, advertising, and administration as they did on research and development. Only one of the top ten drugs companies spent more on research and development than on marketing, advertising, and administration. Administration costs have not increased that much, so we know that the real increase in drug company spending has been in advertising.

For the manufacturers of the top 50 drugs sold to seniors, profit margins are more than triple the profit rates of other Fortune 500 companies. The drug manufacturers have profit rates of 18 percent compared to approximately 5 percent for other Fortune 500 companies.

Furthermore, as recently cited in the New York Times, of the 14 most medically significant drugs developed in the last 25 years, 11 had significant government-funded research. For example, Taxol is a drug developed from government-funded research which earns its manufacturer, Bristol-Myers-Squib, millions of dollars each year.

Mr. Speaker, as I said at the start of this special order speech, I think the high cost of drugs is a problem for all Americans, not just the elderly. But many nonseniors are in employer plans, and they get prescription drug discounts from their HMOs. In addition, there is no doubt that the older one is, the more likely the need for prescription drugs. So let us look at what type of drug coverage is available to senior citizens today.

Medicare pays for drugs that are part of treatment when a senior citizen is a patient in a hospital or in a skilled nursing facility. Medicare pays doctors for drugs that cannot be self-administered by patients, like drugs that require intramuscular or intravenous administration. Medicare also pays for a few other outpatient drugs, such as drugs to prevent rejection of organ transplants, medicine to prevent anemia in dialysis patients, and oral anticancer drugs. The program also covers pneumonia, hepatitis, and influenza vaccines. The beneficiary is responsible for 20 percent of co-insurance on those drugs.

About 90 percent of Medicare beneficiaries have some form of private or public coverage to supplement Medicare, but many with supplementary

coverage have either limited or no protection against prescription drug costs, those drugs that you buy in a pharmacy with a prescription from your doctor, as compared to those drugs that you would get if you are a patient in the hospital.

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Since the early 1980s, Medicare beneficiaries in some parts of the country have been able to enroll in HMOs which provide prescription drug benefits. Medicare pays the HMOs a monthly dollar amount for each enrollee; but some areas like Iowa have had such low payment rates that no HMOs with drug coverage are available. That is typically a rural problem, but also a problem in some metropolitan areas that have inequitably low reimbursements.

I must say that I have led the fight to try to "even up" that. This is one of the things I think we ought to look at when we are talking about solutions.

Employers can offer their retirees health benefits that include prescription drugs, but fewer employers are doing that. From 1993 through 1997, prescription drug coverage of Medicare-eligible retirees dropped from 63 percent to 48 percent. Beneficiaries with MediGap insurance typically have coverage for Medicare's deductibles and coinsurance, but only three of 10 standard plans offer drug coverage.

All three plans have a \$250 deductible. Plans H and I cover 50 percent of the charges up to a maximum benefit of \$1,250. Plan J covers 50 percent of the charges up to a maximum benefit of \$3,000. The premiums for those plans are significantly higher than the other seven MediGap plans because of the costs of that drug benefit.

This chart shows the difference in annual costs to a 65-year-old woman for a MediGap policy with or without a drug benefit. For a MediGap policy of moderate coverage, she would pay \$1,320 for a plan without prescription drug coverage; but if she wants prescription drug coverage, she is going to pay \$1,917. If she wants extensive coverage without drugs, her premium is \$1,524 a year, with drugs her premium would be \$3,252 to insurance.

Why is there such a price gap? Well, because the drug benefit is voluntary. Only those people who expect to actually use a significant quantity of prescriptions purchase a MediGap policy with drug coverage; but because only those with high costs choose that option, the premiums have to be high to cover the costs of a higher average expenditure of drugs.

So what is the lesson that we learn from the current Medicare program? The lesson is adverse selection tends to drive up the per capita costs of coverage unless the Federal Treasury simply subsidizes lower premiums.

The very low income, elderly and disabled Medicare beneficiaries are also eligible for payments of their deductibles and coinsurance by their State's Medicaid program. These bene-

ficiaries are called dual eligibles, and the most important service paid for entirely by Medicaid is frequently the prescription drug plans offered by all States under their Medicaid plans. There are several groups of Medicare beneficiaries who have more limited Medicaid protection.

Qualified Medicare beneficiaries called Q-M-Bs or QMBs have incomes below the poverty line, so it is less than \$8,240 for a single person or \$11,060 for a couple. And they have assets below \$4,000 for a single person or \$6,000 for a couple. Medicaid pays their deductibles and premiums. Specified low-income Medicare beneficiaries, S-L-I-M-Bs, or SLIMBs, have incomes up to 120 percent of poverty, and Medicaid pays their Medicare part B premium.

Qualifying individuals 1 have income between 120 percent and 135 percent of poverty. Medicaid pays part of their part B premium, but not deductibles. Qualifying individuals 2 have income between 135 percent and 175 percent of poverty, and Medicaid pays part of the part B premiums.

Now, the QMBs and the SLIMBs are not entitled to Medicaid's prescription drug benefit unless they are also eligible for full Medicaid coverage under their State Medicaid plan. QIs and 2s are never entitled to Medicaid drug coverage.

A 1999 Health Care Financing Administration report showed that despite a variety of potential sources of coverage for prescription drug costs, beneficiaries still pay a significant proportion of drug costs out of pocket and about one-third of Medicare beneficiaries had no coverage at all.

Mr. Speaker it is also important to look at the distribution of Medicare enrollees by total annual prescription drug costs, because it will make a difference in terms of what kind of plan we devise and how successful it is and how much we will need to subsidize such a plan.

This chart from the Medicare Payment Advisory Commission, MPAC, Report to Congress shows that in 1999, 14 percent of those in Medicare had no drug expenditures, 36 percent had less than \$500, 19 percent had less than \$1,000, 12 percent less than 1,500 and down the line.

Please note that if you add up those who have no drug expenditures at 14 percent and those who have drug expenditures of \$500 to \$1 at 36 percent, 50 percent then, 14 percent plus 36 percent, had drug expenditures of less than \$500 per year. Then if you add in the next group, 69 percent had drug expenditures of less than \$1,000 a year. The problem is with those who have much higher drug costs.

Now, as we look at plans to change Medicare to better cover the costs of prescription drugs, we are going to have to face some difficult choices. Mr. Speaker, there is currently no public consensus or, for that matter, policy consensus among the policymakers on how we do that. There are a lot of questions we have to answer.



Here are a few: First, should coverage be extended to the entire Medicare population or targeted towards the elderly widow who is not so important that she is in Medicaid, but is having to choose between her rent, her food, and her drugs? Should the benefit be comprehensive or catastrophic? Should the drug benefit be defined? What is the right level of beneficiary costs-sharing? Should the subsidies be given to the beneficiaries or to the insurers? How much money can the Federal Treasury devote to this problem? Can we really predict the future costs of this new benefit?

These are all really important questions, Mr. Speaker. Maybe we can learn something from what has happened in the past.

I want to talk a little bit about what happened in 1988 and then what happened earlier this year on prescription drug benefits. The prescription drug benefit has been discussed since the start of Medicare in 1965. The reason why adding a prescription drug benefit is now such a hot issue is that there has been an explosion in new drugs available, huge increases in demands for those drugs, largely fueled by all of the advertising dollars by the pharmaceutical companies and a significant increase in the costs of those drugs in the last few years.

I will tell you what, it is great that we have a lot of these new drugs. My parents are on some of those drugs. My dad is very well alive today because he is on some of those drugs. Well, let us look at what happened when Congress tried to do something about prescription drugs in 1988 and again this year.

That is because the outcome of reform in 1988 made a big difference with what happened here in Congress in the year 2000. The Medicare Catastrophic Coverage Act of 1988 would have phased in catastrophic prescription drug coverage as part of a larger package of benefit improvements.

Under the Medicare Catastrophic Coverage Act, catastrophic prescription drug coverage would have been available in 1991 for all outpatient drugs subject to a \$600 deductible and 50 percent coinsurance. The benefit was to be financed through a mandatory combination of an increase in the part B premium and a portion of the new supplemental premium, which was to be imposed on higher income enrollees.

It is also important to note that the Congressional Budget Office estimated the costs at that time as \$5.7 billion. Well, only 6 months after the cost estimates, only 6 months later, the cost estimates had more than doubled, because both the average number of prescriptions used by enrollees and the average price had risen more than previously estimated. That plan passed this House by a margin of 328-72.

President Reagan enthusiastically signed into law this largest expansion of Medicare in history. The only problem was that once seniors learned their premiums were going up, they hated

the bill. They even started demonstrating against it. Scenes of gray panthers hurling themselves on to the chairman of the Ways and Means Committee, Mr. Rostenkowski, were broadcast to the Nation; angry phone calls from senior citizens flooded the Capitol switch boards.

The very next year, the House voted 360-66 to repeal the Medical Catastrophic Coverage Act of 1988, and President Bush then signed the largest cut in Medicare benefits in history. Well, that experience left a lot of scars on the political process that became evident earlier this year when the Democrats and the Republicans made their proposals on prescription drugs.

What was the lesson? Well, Dan Rostenkowski wrote an article for the Wall Street Journal on January 20, early this year, that I think a lot of Members from Congress read. His most important point was this: the 1988 plan was financed by a premium increase for all Medicare beneficiaries. Rosti said in his piece: "We adopted a principle universally accepted by the private insurance industry. People pay premiums today for benefits they may receive tomorrow."

He goes on to say apparently the voters did not agree with those principles. By the way, the title of his Op-Ed piece was "Seniors Will Not Swallow Medicare Drug Benefits." Former chairman of the Committee on Ways and Means Rostenkowski did not think seniors had changed much since 1988. And apparently the drafters of this year's Democratic and Republican bills agreed with him, because the key point that the spokesman for each of those bills made to Congress and to senior citizens was that their bill would be voluntary.

There were shortcomings in both plans this year, but before I briefly describe each plan, let me acknowledge the hard work that a lot of Members on both sides of the aisle made in working on those bills. The House Republican plan this year was estimated to cost seniors \$35 to \$40 a month by the year 2003, with possible projected rises in 15 percent a year. Premiums could vary among plans.

There would be no defined benefit plan and insurers could cover alternatives of "equivalent value." There would be a \$250 deductible, and the plan would then pay half of the next \$2,100 in drug costs. After that expense, patients were on their own until their out-of-pocket expenses hit \$6,000 a year. At that time a catastrophic provision would kick in and the Government would pay the rest.

The GOP plan would have paid subsidies to insurance companies for people with high drug costs. If subscribers did not have a choice of at least two private plans, then a "government plan" would have been available.

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A new bureaucracy called the Medicare Benefits Administration would

have overseen those private drug insurance plans.

Under the Republican plan, the Government would have paid for all the premiums and nearly all the beneficiary's share of covered drug costs for people with incomes under 135 percent. For people with incomes 135 to 150 percent of poverty level, premium support would have been phased out.

It was assumed that drug insurers would use generic drugs to control costs. The cost of the GOP plan was estimated to be \$37.5 billion over 5 years and about \$150 billion over 10 years. But the CBO, the Congressional Budget Office, had a very hard time predicting costs because there was no standard benefit in the plan.

Now, the premiums under the Clinton-Gore plan were estimated to cost those seniors who signed up, remember it was a voluntary plan like the GOP plan, \$24 a month in 2003, rising to \$51 a month in 2010. But then the Clinton administration talked about adding \$35 billion in expenses for a catastrophic component like the GOP plan, which would have made the premiums higher and similar, in my opinion, to what the Republicans were proposing.

Under the Clinton plan, Medicare would have paid half of the cost of each prescription, and there would have been no deductible. The maximum Federal payment would have been \$1,000 for \$2,000 worth of drugs in 2003, rising to \$2,500 for \$5,000 worth of drugs by 2009.

The Government would have assumed the financial risk for prescription drug insurance, but it would have hired private companies to administer the benefits and negotiate discounts from drug manufacturers. That was pretty similar in both the Clinton-Gore and the Republican plans.

But, and here is the crucial point, in order to cushion the costs of the sicker with premiums from the healthier, both the Clinton-Gore plan and the GOP plan calculated premiums, and this is the most important point, they calculated those premiums based on the premise that 80 percent of all of the people in Medicare would sign up for the plan. In other words, one has got to have a lot of people who are healthy in the plan paying their premiums to keep the premiums lower for those who have higher drug costs.

Well, right away the partisan attacks started on both plans. The Democrats said Republicans are putting seniors into HMOs. HMOs provide terrible care. This is not fair to seniors. The Republicans said the Democratic plan is a one-size-fits-all plan, it is too restrictive, it puts politicians and Washington bureaucrats in control. Now, tell me, anyone who has watched TV and saw all the political ads in this last campaign knows that is exactly what each side was saying about the other.

I could criticize each plan in depth, but I do not have that much time. Suffice it to say that the details of each of those plans was very important to how they would work.

I believe that if one lets plans design all sorts of benefit packages, as did the GOP plan, it becomes very difficult for seniors to be able to compare apples to apples, to compare equivalency of plans in terms of value.

I also think the plans can tailor benefits to cherry-pick healthier, less expensive seniors, and to gain the system. Representatives of the insurance industry shared that opinion in a hearing before my committee. In my opinion, a defined benefit package would have been better.

I had concerns about the financial incentives that the House Republican bill would offer insurers to enter markets in which no drug plans were available. Would those incentives encourage insurers to hold out for a better deal?

I had doubts that the private insurance industry would ever offer drug-only plans. In testimony before my committee, Chip Kahn, the president of the Health Insurance Association of America, testified that drug-only plans would not work.

In testimony before the Committee on Commerce on June 13, this year, Mr. Kahn said, "Private drug-only coverage would have to clear insurmountable financial, regulatory, and administrative hurdles simply to get to the market. Assuming that it did, the pressures of ever-increasing drug costs, the predictability of drug expenses, and the likelihood that people most likely to purchase this coverage would be the people anticipating the highest drug claims," that adverse selection problem, "would make drug-only coverage virtually impossible for insurers to offer a plan to seniors at an affordable premium."

Mr. Kahn predicted that few, if any, insurers would offer that type of product.

I could similarly criticize several particulars of the Clinton-Gore bill in the spirit of bipartisanship; but I think we should look at the fundamental flaw of both plans, and that is that "adverse risk selection" problem.

If the Clinton plan had comparable costs for a stop-loss provision on catastrophic expenses, the premiums would have been comparable to the GOP plan. Under those bills, a plan who signed up for drug insurance would have paid about \$40 per month or roughly \$500 per year.

After the first \$250 out-of-pocket drug cost, the enrollee would have needed to have twice \$500 in drug costs, or \$1,000, in order to be getting a benefit that was worth more than the cost of the premiums for the year. Put another way, the enrollee must have had \$250 for that deductible plus \$1,000 in drug expenses or \$1,250 in annual drug costs in order to get half of the rest of his drug expenses up to a maximum of \$2,100 paid for by the plan.

Now, look at this chart again. Look at this: 69 percent of the people in Medicare in 1999 had less than a thousand dollars. If the cost of the plan, signing up for the plan was going to be more than \$1,000, would they sign up

for something that was going to cost them more than what they were already paying? I do not think so. In fact, I know they would not.

How do I know they would not? Because we already have those options in the current Medicare plan. We have those three options that I talked about earlier where one can voluntarily sign up for a drug benefit. But most people do not because the premiums are higher than what their drug costs are. They would have to be fools to be paying more for an insurance premium than what the premium is going to give them if it is voluntary. This is just the mindset that people have.

I think Regis could have asked, Who would have signed up for those plans? The final answer would have been those seniors with over \$1,250 in annual drug expenses. Well, remember also that the premiums were premised on that 80 percent participation rate. I think it is highly doubtful that anywhere near 80 percent of seniors would have signed up for either of those plans. If only those with high drug costs signed up for the plans, then we know what would have happened. The premiums would have had to go up significantly, or we would have had to transfer significantly more sums from the Federal Treasury to subsidize that benefit.

Well, one way to avoid that adverse risk selection in a voluntary system would be to offer the drug benefit one time only, when a beneficiary enrolls in Medicare. The problem with that is that one is still going to get adverse risk selection because, at the age of 55, there are a number of people who do have high drug costs, and of course they are going to sign up; whereas, a lot of people have no drug costs, and they may simply decide I do not want to sign up right now, I will wait until later.

The authors of the GOP bill recognized that problem. So what they tried to do was say, well, if you do not sign up initially, then later on when you sign up, you may have to pay a higher premium.

But I tell my colleagues this, if seniors were going to do that, they would do that right now. All the seniors would voluntarily sign up for one of those three options. It would bring down the cost of premiums. But they do not do that.

Another way to control adverse risk is to try to devise a risk adjustment system. We tried to do that in some other areas in Medicare. I will tell my colleagues what. It is really tougher to do risk adjustment. A uniform benefit package would help control adverse risk selection. Consumers would be able to select plans based on price and quality rather than benefits. If plans are allowed a slight variation of benefits, some plans may be likely to attract low-cost beneficiaries.

The GOP plan had some weak community rating and guaranteed issue provisions, but it is hard to see how the adverse risk selection would have been solved by their solutions.

Now, one sure way to avoid adverse risk selection would be to say we have a uniform benefit, prescription drug benefit, and everyone, when they sign up for Medicare, is going to be in that prescription drug plan.

That was the approach of the Medicare Catastrophic Coverage Act in 1988. We saw what happened to that law. That lesson was not lost on people in this Chamber this year. To say that mandatory enrollment had little appeal to policy makers in this election year was an understatement.

Finally, we could avoid adverse selection for a voluntary benefit like prescription drug coverage if we simply subsidized the benefit to such an extent that is such a good deal that everyone will do that. But we are really talking about large sums of Federal dollars when we do that. We cannot even predict what the costs are going to be. There are new drugs coming on board that could cost thousands of dollars per treatment where treatments have to be repeated and repeated and repeated. We could easily be talking about a trillion dollar drug benefit.

That cost reminds me again of that article by Mr. Rostenkowski. As Congressman Rostenkowski said, "The problem was and still is a lack of money. Yes, we have a projected surplus, but the 10-year cost of more highly subsidized drug coverage would, in my opinion, easily double or even triple the projected cost of both proposals."

Now, there are several reasons why even in this time of a surplus I think we need to think hard about this. First, we have made a bipartisan commitment not to use Social Security surplus funds. Second, there are people in this country who have no health insurance, much less prescription drug coverage. Should we expand coverage for some while the totally unprotected group grows? Third, Medicare is closer to insolvency than it was back in 1988. Should not our first priority be to protect the current Medicare program?

Given those constraints, what can we do to help seniors and others with high drug costs? Here are some modest proposals for helping seniors and others with their drug costs. First, let us allow those senior citizens, those qualified Medicare beneficiaries, specified low-income Medicare beneficiaries, qualifying individuals who are not so poor that they are in Medicaid in addition to Medicare, but are just above that, many of whom are having to make difficult decisions because they are living solely on their Social Security and they have very high prescription drug costs, why do not we allow these individuals, say, up to 175 percent of poverty, to get into or access the State Medicaid prescription drug plans? We could pay for it from the Federal side. We would not have to require any match from the States.

The plans are already in existence. The bureaucracy is already there. The

States have already negotiated discounts with the pharmaceutical companies. We know who these individuals are because they are already getting discounts on their premiums and co-payments and deductibility.

□ 1630

We could simply give them a card that would enable them to access the State formulary for their State Medicaid drug programs free for those individuals, at no cost for them. We could pay for it through the Federal side. Estimates are that that would probably cost about \$60 to \$80 billion over 10 years. It might be more than that, but that is a lot less than what we are talking about with the other plans. We can afford that. It would be an important first step.

We ought to also fix the funding formula in which some States, particularly rural States, have such low reimbursement rates that Medicare HMOs are never there. We ought to raise that floor, reduce the gap between some States and other States, so that we have an equitable benefit through the Medicare plan. And that would require a floor of at least \$600. We already have Medicare HMOs that are leaving areas where they are getting paid \$550 per month per beneficiary. Raising it to \$480 or \$450 is never going to induce those Medicare+Choice plans to go into the rural areas.

And in response to my constituents who want to purchase their drugs from Canada or Mexico or Europe, we started to address that problem in Congress this year, and it has been signed into law, and that is on the reimportation of drugs that are made in this country, packaged here, shipped overseas, whether or not they can legally come back into the country. However, we need to go back to that issue, because there were some loopholes in that legislation that passed the House and the Senate that we need to fix. We need to strengthen that law. That would help a lot. That would increase the competition. In my opinion it would automatically result in lower drug prices, not just for senior citizens but for everyone.

I think we should enact full tax deductibility for the self-insured. I think that we should look at those 11 million children that do not have any health insurance and, consequently, do not have any prescription drug coverage. Roughly 7 million of those kids already qualify for Medicaid in the State Child Health Insurance Programs. Those children should be enrolled. We should do things to help those States get those kids enrolled.

Many pharmaceutical companies do have programs to help low-income people afford prescription drugs. Both physicians and patients need to be better educated to take advantage of those discounted drugs. Currently, 16 States have pharmaceutical assistance programs targeted to Medicare beneficiaries different from the Medicaid solution.

My colleagues, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Minnesota (Mr. PETERSON), have a bill, the Medicare Beneficiary Prescription Drug Assistance and Stop Loss Protection Act, which would allow beneficiaries up to 200 percent to get into programs like that. But that would require, in many States, the creation of whole new bureaucracies. I think there is a simpler solution. The solution is to utilize the State Medicaid drug programs.

I think that we should revise the FDA Reform Act of 1997, and we should restrict direct marketing to consumers in a way that does not limit their free speech but at least requires that they provide equal time to discussing the possible complications of those new drugs as they do to the benefits.

Finally, I think the new Congress could actually get signed into law a combination of the above in a bipartisan fashion. Yes, it is more limited than what the Clinton-Gore administration has proposed; it is more limited than what passed this House, but it has many advantages in that it is a step-by-step progression and it is something that I think is common sense and responsible until we are able to look at a more comprehensive prescription drug benefit in the context of making sure that Medicare stays solvent when the baby boomers retire.

This is a complicated subject. At the beginning of the speech, I said there was not yet a consensus on how we go on this. But I know this: On something this important, the only things that get done in Washington are done in a bipartisan way. There will be some on both sides that say it does not go far enough; there will be some that say my proposal goes too far, that we do not want to expand Medicare beneficiaries into State Medicaid drug plans. But I think I am hitting a down-the-middle approach to this, and I am going to be reintroducing my bill in the beginning of this next Congress. I sure hope that a lot of Members will take some time, listen to this special order speech, look at the bill and the information that we will be providing to them, and think about this as a solution that we can do for now.

Finally, I want to say this: For a long time, in its wisdom, Congress has gone through what is known as "regular order" with legislation. That means a bill, and all of its details, is dropped in that bin over there. It is made public. We have hearings on those bills. We compare language to other bills. We look at the implications of the legislative language. We have subcommittee markups with amendments and debate. And then we have a full committee markup with amendments and debate. Then we have it go to the Committee on Rules to be brought to the floor. The Senate does the same thing. It is an orderly process. That was not done this year. That was not done. And I think the legislation was not as strong as it should have

been because we did not go in regular order.

So I very much hope that when we look at this issue again this coming year, 2001, that instead of just rushing something to the floor, that we have full debate and discussion; that people know what the provisions mean when the bill reaches the floor; that it does not become just a "Republican bill" or a "Democratic bill," but in our wisdom we debate the various provisions in a free way, debating amendments to improve the bill, voting them up or down, and doing things in a regular order.

Mr. Speaker, we did not get it done this year, at least I certainly do not think we are in these last few days of the 106th session, but I think we have a good chance to do something on this next year. So I urge my colleagues to look over my proposal, and we will be getting information to my colleagues.

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#### TURKISH GOVERNMENT MUST RECOGNIZE BASIC HUMAN RIGHTS OF KURDISH PEOPLE

The SPEAKER pro tempore (Mr. HULSHOF). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, today I want to speak about the need for the Turkish government to recognize the basic human rights of the Kurdish people, and I rise this afternoon to condemn recent, though ongoing, violations of these rights in Turkey.

I have always said the Kurds must be respected as a people, the world must finally listen to and respect their aspirations, and that they should enjoy the same right of choosing their representatives as other people do all over the world. The Turkish government has not accepted the validity of the Kurdish struggle or even of the Kurdish people. They have jailed leaders, but the message of these leaders continues to ring loud and clear.

Mr. Speaker, in the past few weeks, the Turkish government has extended a 13-year-old state of emergency in four mainly Kurdish provinces for an additional 4 months, and who knows what will happen at the end of those 4 months in terms of another extension. Further, the extension of emergency rule occurred despite the European commission's formal expression that the lifting of emergency rule is an objective for Turkey to achieve.

On December 4, The Washington Post reported that the director of a Kurdish linguistics institute in Istanbul is facing a trial on charges that the institute is an illegal business. The charges come despite the fact that Turkish security courts have hired interpreters from this very institute for the past 8 years. This incident illustrates the type of human rights violations infringements that continue to occur but that must be halted immediately against the Kurdish people.

I call upon my colleagues to join me, Mr. Speaker, in urging the Turkish

government to immediately grant basic rights to Kurdish citizens in Turkey and more formally and fully recognize the Kurdish people. This should include lifting the extension of emergency rule, lifting all bans on Kurdish language television, cinema, and all forms of fine arts and culture.

Bans on language and culture are particularly disturbing because the lands of Kurdistan are considered by many to be the birthplace of the history of human culture. It saddens me that there is still a need to be on the floor protesting violations of these most basic yet essential human rights.

Mr. Speaker, back in 1997, I addressed the American Kurdish Information Network on the cultural oppression of Kurds by the Turkish government and on the Turks' squelching of Kurdish language and culture. At that time, 153 Members of Congress expressed their disapproval of the antidemocratic treatment of elected Kurdish representatives in the Turkish parliament.

In April of this year, a number of my colleagues joined me in introducing a House Resolution calling for the immediate and unconditional release from prison of certain Kurdish Members of the Turkish parliament and for prompt recognition of full Kurdish cultural and language rights within Turkey.

Now, Mr. Speaker, I am continuing the fight on behalf of the Kurdish people, because their voices are still repressed, although the conflict between the government and separatist Kurdish guerrillas in the southeast has subsided significantly since the arrest last year of the Kurdish Workers Party leader, Abdullah Ocalan. Fears by hard-line Turkish nationalists that any recognition of Kurdish identity will fragment Turkey and strengthen separatism seem unwarranted based on the decline in tensions.

Mr. Speaker, Turkey must negotiate with the Turkish leaders. Turkey must lift its blockade of Armenia also. Turkey must end its military occupation of northern Cyprus. Such a change in behavior would benefit everyone in the region, including the Turkish people.

I hope my colleagues will join me in delivering these important messages to the Turkish government at every possible opportunity.

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#### ACCOMPLISHMENTS OF SUBCOMMITTEE ON CRIME DURING THE PAST 6 YEARS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 60 minutes.

Mr. MCCOLLUM. Mr. Speaker, I do not intend to take the full 60 minutes, but I do want to take a portion of this time to take this opportunity to comment on something that I think is very important. I have had the privilege of serving as the chairman of the Subcommittee on Crime of the Committee

on the Judiciary in the House of Representatives for the last 6 years. I will not have that privilege further. My tenure normally would come to an end, rotating under the rules of the House at the end of this Congress in any event, but as many of my colleagues know, I will be leaving this body, and it has been a great privilege to have served in that capacity.

I want to comment a few minutes about the work of the Subcommittee on Crime these past 6 years and to pay tribute to those committee staffers on that subcommittee who have worked so hard to make it possible for many of the legislative products and the oversight hearings to be accomplished, and to also pay tribute to some of the committee staff who worked for me while I have served in various capacities in years gone by on the House Committee on Banking and Financial Services.

Over the last three Congresses, the Subcommittee on Crime has compiled a tremendous record of accomplishment. In that time, 884 bills were referred to the subcommittee. The subcommittee had formal hearings on 75 of those bills and, after markup, reported 71 of them to the full Committee on Judiciary. Of those, 41 bills eventually were passed by both Houses and signed into law by the President. Some of those bills that did not get signed into law in their own right, were incorporated into appropriations bills and then signed into law.

So in more than 41 different ways, over the past 6 years, legislation crafted by the members of the Subcommittee on Crime have contributed to our country, making it a better place to live; one that is safer and more just for all our citizens.

Over the last 3 years, the Subcommittee on Crime has also held 111 days of hearings on a wide variety of subjects. I take pride in the fact that the subcommittee has held a hearing on almost every bill that it has marked up in order to ensure that the Members of the subcommittee were fully informed about that bill.

The subcommittee has also a distinguished record of achievement in the area of oversight. And the vast majority of these 111 days of hearings have been oversight hearings into specific problems in criminal justice or hearings into activities and operations of the executive branch law enforcement agencies over which the Committee on the Judiciary has jurisdiction. These oversight hearings included hearings on the work of the FBI, the Federal Bureau of Prisons, the DEA, the Secret Service, and the U.S. Marshals Service.

Perhaps foremost and most remembered of the hearings that the subcommittee held in the last number of years were the 10 days of hearings it held into the activities of law enforcement agencies towards the Branch Davidians at Waco. These were joint hearings we held in conjunction with another subcommittee of the House. I think those hearings are remembered

for a good reason. The hearings made the public aware of the many errors in judgment and tactics of the Federal Government during the investigation of the Branch Davidians, as well as dispelling the rumors as to the true cause of the fire that took the lives of the Davidians.

Just recently, there has been a special commission the President set up to study this measure, review it once more, and the conclusions of that effort that was undertaken have resulted in precisely a confirmation of the findings of this joint committee hearing that my subcommittee took part in.

□ 1645

I was very pleased with the extensive report and findings and recommendations prepared by the committee. I note that the subsequent investigations have not altered those basic findings, which I think proves the thoroughness of those hearings. I would also note that the hearings were the occasion for observing, even in the midst of tragedy, the valor of Federal law enforcement agents.

Mr. Speaker, I want to take a few minutes to note some of the legislation that was passed by the subcommittee. Many aspects of the Contract with America in 1995 involved the Subcommittee on Crime. Provisions of legislation that were crafted and revised by the subcommittee that are in effect today from that Contract with America are the local Law Enforcement and Block Grant Program, which gives localities millions of dollars each year in flexible grants that they can direct resources to the places of greatest need for law enforcement purposes, where the decision making is done at the local level not at the Federal level but how those monies are spent; the Truth in Sentencing Prison Construction Grant Program, which encourages States to ensure that violent prisoners serve most of their sentence imposed by a court and provides them with monies and resources to build a prison space and to support those prison beds in return for agreeing to require at least 85 percent of a sentence be served; the Federal Mandatory Minimum Restitution Law that requires victims in Federal criminal cases to make restitution to their victims; and the historic changes in the habeas corpus process which has helped ensure certainty and finality in our criminal justice system and provides a sense of closure to victims of crime.

Over the last 6 years, the subcommittee has worked on a great number of bills which have become law and have helped to protect our citizens. It has worked extensively to reinvigorate the war on drugs with a goal of increasing prospects of all of our children leading drug-free, productive lives.

The subcommittee has helped to enact legislation that increases the penalties for trafficking of methamphetamine, one of the most dangerous drugs facing our society today;

criminalizes the use of the so-called date-rape drugs, and provides greater resources for the law enforcement agencies whose mission it is to combat the flow of illegal drugs into the country.

The subcommittee also has enacted several laws to protect our children and other vulnerable members of our society, such as "Megan's Law," which requires States to put in place a system to track the whereabouts of convicted sex offenders; the Sexual Crimes Against Children Act; and the Child Protection and Sexual Predator Punishment Act of 1998, which focuses on the problems of sex crimes against children and the use of computers and the Internet to commit those crimes by punishing severely those who commit them; and the Internet Stalking Punishment and Prevention Act of 1996 to punish those who would use the Internet to stalk their victims.

We also worked on several laws to protect our citizens from fraud, including the Cellular Telephone Protection Act of 1997, which prohibited the sale of devices used to clone wireless telephones; the Telemarketing Fraud Prevention Act of 1997, which helped protect persons, especially our seniors, from telemarketing fraud; the Identity Theft and Assumption Deterrence Act of 1997, which makes it a crime to traffic in personal identifying information; and the Economic Espionage Act of 1996, which protects our commercial sector from those who would steal the business innovations that have helped fuel our economy.

We have also worked in the subcommittee to protect law enforcement officers who risk their lives daily to protect our society as well as their families who also bear this risk. The subcommittee worked to enact the Care for Police Survivors Act of 1998 and the Police Fire and Emergency Officers Educational Assistance Act of 1998 to provide educational benefits to the families of public safety officers killed or disabled in the line of duty; the Bulletproof Vest Partnership Act of 1997, which was renewed this year to ensure that States have sufficient funding to buy protective vests for law enforcement officers; and the Correctional Officers Health Safety Act of 1998 to mandate that correctional officers who come in contact with the bodily fluids of inmates may learn the HIV status of those inmates.

The Subcommittee on Crime has also enacted prison litigation reform legislation to ensure that prisoners do not tie up our court systems with frivolous litigation.

I am also pleased this Congress that the subcommittee worked extensively to close the gaping hole in our Federal criminal jurisdiction in some areas that some cases have allowed very serious crimes committed outside the United States by American employees of the Defense Department or the American dependents of our service personnel to go unpunished. This hole

was closed by the passage of the Military Extraterritorial Jurisdiction Act of 2000, and that is long overdue.

Also this Congress we passed bipartisan legislation to eliminate the crime backlog of crime scene samples awaiting DNA analysis. The passage of the DNA Backlog Elimination Act will help make our system even more just by providing greater certainty in the outcome of thousands of criminal cases.

I also would like to note a couple of bills that did not become law but that we worked extensively on and one that did that was a part of another bill. We had a bill dealing with the Drug Elimination Act of a couple of years ago that was an extensive piece of legislation incorporated into a larger omnibus spending bill at the close of the last Congress that, if fully implemented, was designed and would I think reduce the flow of drugs into this country by a significant margin, maybe as much as 85 percent, over the next several years. Unfortunately, not all the funding to go with that legislation has been produced.

We also produced a Juvenile Crime bill that twice has gone to the other body and has yet to become law, does not appear likely to in this Congress, but which is something in bad need of addressing in the next Congress again. This is a bill that is in part incorporated, though, in appropriations process in some of the legislative endeavors there. And that is a bill to correct a problem with those who are juveniles who commit misdemeanor crimes and others at the early stage of their crime life and do not get any punishment.

That is very common today for young people to commit a crime such as one of maybe even robbing a car or throwing a rock through a window or doing something else that vandalizes and never getting taken to court; or if they are, when they are first there, they receive no punishment, maybe probation or none at all.

We learned in a lot of studies that there is a big problem with that. Because our juvenile justice system is overworked and they do not give this punishment, then there is no deterrent and young people find that they come to conclude they are not going to get punished and so they go on to commit these crimes and greater crimes and perhaps violent crimes down the road.

And so we attempted to put some accountability into the law by providing a block grant program through the local law enforcement communities and the States to enhance their juvenile justice systems with more prosecutors, more judges, more diversion programs in return for the simple commitment on the part of the States to assure that the very first misdemeanor crime by a juvenile gets some punishment, be it community service or otherwise, and an ever-increasing greater amount of punishment thereafter.

That legislation, as I said, has not become law; but it has at least par-

tially been implemented through the appropriations process and I certainly hope will get a solution.

Another major bill that has not gotten all the way through the system is one dealing with what we do with our prison system in terms of prison industries. We have a problem with that that I do not have the time to go into today. But it deals with the fact that we do not have very many prisoners working in our prisons compared to the number who are there, less than 20 percent at the Federal level, less than 7 percent at the State level; and yet we see those prisoners who do engage in prison industries are far less likely to return to prison when they are released than those who do not. And so the legislation that we produced in our committee that has yet to become law would provide for an opportunity greater than today to bring private industry into prisons to employ these prisons on a wider basis, to remove a barrier to the understate sale of prison-made goods, and to provide for other opportunities in that regard.

Mr. Speaker, I would like to take the remaining time to thank the staff that have worked so hard in the Subcommittee on Crime and elsewhere for me and to mention them in particular. They have done an enormous task of working for me over the years. Several of them have been very, very involved. They deserve the tribute for all that they have done. Many of those staff members have been with me for a long time.

Glenn Schmitt and Dan Bryant share the duties of chief counsel. Dan Bryant joined the subcommittee in early 1995 and has worked tirelessly over the years in many years, including the drug issue and juvenile crime and gun control and law enforcement. Glenn Schmitt was with me even before on the Subcommittee on Immigration and Claims in 1994 and has worked extensively in the area of corrections and computer and other high-tech crimes.

Rick Filkins on our staff joined the full committee in 1997 and became a part of the subcommittee in 1999. Carl Thorsen has done a tremendous job with us, has joined the subcommittee very recently, was on my personal staff. Veronica Eligan works for our subcommittee and Jim Rybicki. Without them we could not have done the job.

Paul McNulty for a number of years served as chief counsel for the Subcommittee on Crime from 1995 to 1999. He previously worked when I was ranking member of the minority on this subcommittee from 1987 to 1990, a very talented individual. And we have missed him. He is now working for the majority leader.

Nicole Nason was counsel with us, did a great job. Aerin Dunkle Bryant also a tremendous staffer in the past. Audray Clement put in over 30 years of service and 20 years as staff assistant on the Committee on the Judiciary and worked on the subcommittee before she

retired. Kara Norris Smith succeeded her. Carmel Fisk worked for me when I was the ranking member on the Subcommittee on Immigration and Claims and did a great job and somebody we could not have worked without.

On the Committee on Banking, where I was ranking member of a couple of subcommittees when we were in the minority, domestic monetary policy, Doyle Bartlett, Gerry Lynam, Anita Bedelis, Mark Brender all worked tirelessly on their efforts while I served there. John Heasley and Doyle Bartlett worked as my counsels when I was the ranking minority member on the Subcommittee on Financial Institutions. And Doyle later served as my chief of staff on my personal staff.

I just similarly cannot pass the opportunity of saying that in the tenure that I served here, without those committee staffers and without my personal staff to whom I paid tribute earlier in this Congress, it would not have been possible to do the things that we have done. And I really believe that staff go unrecognized often and they matter a great deal.

It has been a great privilege to have served in this body over these 20 years. It has been a great privilege to have served with these staff members and to have done the work load that we have. I will miss this body. There will be other opportunities in the future, I know, to meet public service; but I want to thank my colleagues for this privilege and great honor of serving here in this institution and thank them particularly for allowing me the opportunity to have been the chairman of the Subcommittee on Crime and to have worked with these wonderful people to craft the legislation I have described.

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#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 127. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2415) entitled "An Act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes."

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#### CONVICTION OF ED POPE IN RUSSIA

The SPEAKER pro tempore (Mr. HULSHOF). Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise tonight to unfortunately relate to my colleagues my concern about the conviction of an American citizen in Russia by the name of Ed Pope.

Ed Pope is an academic affiliated with Penn State University who had a distinguished career in our military and who was simply doing research and marketing work with Russian institutions when he was arrested without reason earlier this year, put in a prison in Moscow without proper medical care, without proper attention.

In spite of cancer, in spite of an illness that his father has that is terminal, in spite of the pleadings of many of us on both sides of the aisle, in particular the gentleman from Pennsylvania (Mr. PETERSON), who represents Ed Pope and his family, Ed Pope was convicted this week and given a sentence of 20 years in Russia's prisons.

Mr. Speaker, Ed Pope is not a criminal. Ed Pope is innocent. I have copies of the contracts that Ed Pope had signed with Russian agents in charge of Russian institutes who had empowered him to work to market Russia's underwater propulsion technology. During Ed Pope's trial, the chief witness against him recanted his testimony. In fact, the defense attorney for Ed Pope provided information on what Ed Pope was marketing was available in open sources in this country. In fact, everyone involved with this case understands that Ed Pope is an innocent man.

□ 1700

When I was in Moscow this summer, I held a press conference in the city and informed the Russian people and the media that this was a bad direction for Russia to take. We must with all of our bipartisan effort reach out and ask President Putin to pardon Ed Pope and let him return to his family.

Mr. Speaker, on a down side and a negative tone, if you want to convict someone in this process, it would be Bill Clinton and AL GORE, because during the first few months of Ed Pope's imprisonment, our State Department and White House were silent. They did not say anything. In fact, the initial response of our ambassador was that it is a private matter between our citizen and the Russian government. Only after the media raised these questions did the administration finally begin to raise the issue of Ed Pope. President Clinton and Vice President AL GORE should have demanded the release of Ed Pope but they did not. And so Ed Pope was convicted.

And now I relate to my colleagues my greatest concern. My fear from sources inside of Russia just last week told me that Ed Pope will be offered in exchange for a convicted Russian spy or a spy that Russia supports in our country. And if we are asked to trade a convicted person who did crimes against this country for an innocent

man, it means this administration has allowed us to be sucked into a situation where we may be forced to trade someone who was a convicted criminal to get someone back who is an innocent citizen.

Russia needs to release Ed Pope, because Ed Pope is innocent, because Ed Pope has health problems, because his father is dying. There should be no quid pro quo. Russia should not expect to get a convicted spy in this country in return. This administration had better stand up for this American citizen, unlike the other American citizens whose rights have been abused over the past several years, like Lieutenant Jack Daley, like Notra Trulock, like Ed McCallum, like Jay Stuart, and like others who have been prosecuted for simply doing their job.

I call upon my colleagues on both sides of the aisle to demand the Russian president release Ed Pope, send him back to his family, and in no way allow the Russians to receive a convicted spy in this country in return for that action.

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#### RECESS

The SPEAKER pro tempore (Mr. HULSHOF). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 2 minutes p.m.), the House stood in recess subject to the call of the Chair.

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□ 1920

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 7 o'clock and 20 minutes p.m.

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#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 128, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106-1025) on the resolution (H. Res. 669) providing for consideration of the joint resolution (H.J. Res. 128) making further continuing appropriations for the fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 129, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 106-1026) on the resolution (H. Res. 670) providing for consideration of the joint resolution (H.J. Res. 129) making further continuing appropriations for the fiscal

year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of Rule I, the Speaker signed the following enrolled bill during the recess today:

H.R. 2415, to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

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#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. KIND (at the request of Mr. GEPHARDT) for today on account of a travel delay.

Mr. FOSSELLA (at the request of Mr. ARMEY) for today on account of his son's hospitalization.

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#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

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#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1066. An act to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes, to the Committee on Agriculture; in addition to the Committee on Science for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

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#### ENROLLED BILL AND A JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2415. An act to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

H.J. Res. 127. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

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#### ADJOURNMENT

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 21 minutes p.m.), the House adjourned until tomorrow, Friday, December 8, 2000, at 9 a.m.

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#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11223. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fludioxonil; Extension of Tolerance for Emergency Exemptions [OPP-301083; FRL-6756-6] (RIN: 2070-AB78) received December 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11224. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Avermectin; Extension of Tolerance for Emergency Exemptions [OPP-301079; FRL-6754-5] (RIN: 2070-AB78) received December 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11225. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Aerospace Manufacturing and Rework Facilities [AD-FRL-6913-9] (RIN: 2060-A177) received December 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11226. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA 224-0268; FRL-6908-1] received December 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11227. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio [OH-138-2; FRL-6914-7] received December 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11228. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Texas; Control of Emissions of Volatile Organic Compounds from Batch Processes, Industrial Wastewater and Service Stations [TX-121-1-7450a; FRL-6913-4] received December 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11229. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Eatonville, Wenatchee, Moses Lake, Spokane, and Newport, Washington) [MM Docket No. 98-74; RM-9269; RM-9736] received November 30,

2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11230. A letter from the Special Assistant to the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies [MM Docket No. 98-204] Termination of the EEO Streamlining Proceeding [MM Docket No. 96-16] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11231. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Rules and Regulations Under the Textile Fiber Products Identification Act; Rules and Regulations Under the Wool Products Labeling Act of 1939—received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11232. A letter from the Director, Regulations Policy and Management Staff, FDA, Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 99F-1719] received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11233. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule—Interim rule; stay of regulation—received December 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

11234. A letter from the Chair, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2000, through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11235. A letter from the Director, The Peace Corps, transmitting the semiannual report of the Peace Corps Inspector General for the period April 1, 2000, through September 30, 2000, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

11236. A letter from the Fisheries Biologist, Candidate Plus Team Leader, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Species; Final Endangered Status for a Distinct Population Segment of Anadromous Atlantic Salmon (*Salmo salar*) in the Gulf of Maine [Docket No. 991108299-0313-02; I.D. 102299A] (RIN: 0648-XA39) received December 5, 2000; to the Committee on Resources.

11237. A letter from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule—Utilities [FHWA Docket No. FHWA-99-6232] (RIN: 2125-AE68) received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11238. A letter from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting the Administration's final rule—Small Business Size Standards; Health Care—received December 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

11239. A letter from the Deputy General Counsel, Office of Small Business Investment Companies, Small Business Administration, transmitting the Administration's final rule—Small Business Investment Companies—received December 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

11240. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting



the Service's final rule—Disclosure of Return Information to the Bureau of the Census [TD 8908] (RIN: 1545-AV84) received November 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11241. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Interest Rate—received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11242. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories—received November 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11243. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—"Liable to Tax" Treaty Residence Standard—received December 4, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11244. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Qualified Pension, Profit-Sharing, and Stock Bonus Plans—received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11245. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting the Agency's Annual Report to Congress on activities under the Denton Program for the period July 1, 1999, through June 30, 2000; jointly to the Committees on International Relations and Armed Services.

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#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 669. Resolution providing for consideration of the joint resolution (H.J. Res. 128) making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106-1025). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 670. Resolution providing for consideration of the joint resolution (H.J. Res. 129) making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106-1026). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. UPTON:

H.R. 5644. A bill to amend title 5, United States Code, to move the legal public holiday known as Washington's Birthday to election day in Presidential election years; to the Committee on Government Reform.

By Ms. KAPTUR:

H.R. 5645. A bill to establish a Commission for the comprehensive study of voting practices and procedures in Federal, State, and local elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 5646. A bill to amend titles XVIII and XIX of the Social Security Act to provide for increased accountability of nursing facilities and adequate nurse staffing for patient needs in the facilities; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida:

H.J. Res. 128. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 129. A joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes; to the Committee on Appropriations.

By Mr. ENGEL:

H.J. Res. 130. A joint resolution proposing an amendment to the Constitution of the United States to provide a new procedure for appointment of Electors for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. ENGEL:

H.J. Res. 131. A joint resolution proposing an amendment to the Constitution of the United States to provide a new procedure for appointment of Electors for the election of the President and Vice President; to the Committee on the Judiciary.

By Mr. FROST (for himself, Mr. LAFALCE, Mr. LEACH, Ms. ROYBAL-AL-LARD, and Mr. RODRIGUEZ):

H. Con. Res. 445. Concurrent resolution whereas Henry B. Gonzalez served his Nation and the people of the 20th District of Texas in San Antonio with honor and distinction

for 37 years as a Member of the United States House of Representatives; to the Committee on House Administration.

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#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1657: Mr. WEINER.

H.R. 2020: Mr. CALVERT.

H.R. 2720: Mr. CUNNINGHAM.

H.R. 4301: Mr. WELDON of Florida and Mr. BENTSEN.

H.R. 4633: Mr. SCHAFFER and Mr. MCHUGH.

H.R. 5172: Mrs. CAPPS.

H.R. 5306: Mr. MCKEON and Mr. BACHUS.

H.R. 5447: Mr. RAMSTAD.

H.R. 5500: Mr. LATOURETTE.

H.R. 5520: Mr. CONYERS, Mr. KILDEE, Mr. HOEKSTRA, Mr. BARCIA, Mr. DINGELL, Mr. BONIOR, Ms. RIVERS, Mr. KNOLLENBERG, Mr. UPTON, Mr. SMITH of Michigan, Mr. CAMP, Mr. EHLERS, Mr. LEVIN, Ms. STABENOW, and Ms. KILPATRICK.

H.R. 5612: Ms. BERKLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RODRIGUEZ, Ms. NORTON, and Mr. KILDEE.

H.R. 5624: Mr. MCGOVERN, Mr. McNULTY, and Mr. FROST.

H.R. 5642: Mr. GARY MILLER of California, Mr. HORN, Mr. EHRLICH, Mr. BILIRAKIS, Mr. BARR of Georgia, and Mrs. KELLY.

H.R. 5643: Mr. TANCREDO.

H.J. Res. 23: Mr. McNULTY, Mr. BOUCHER, Mr. EVANS, and Mr. MINGE.

H. Con. Res. 337: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 461: Mr. LEWIS of Georgia, Mr. TALENT, and Mr. BLUMENAUER.

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#### PETITIONS, ETC.

Under clause 3 of rule XII,

122. The SPEAKER presented a petition of a Citizen of Austin, Texas, relative to petitioning the United States Congress to enact legislation mandating uniform ballots nationwide for elections at which the office of President of the United States, U.S. Senator, or U.S. Representative, are to be decided by voters; further providing partial Federal reimbursement to states, or localities, for the costs of administering those elections at which any Federal office is to be filled by voters; and finally requiring that absentee ballots involving any Federal office be in the possession of election officials no later than the actual date of the election; which was referred to the Committee on House Administration.